

FILED

FEB 23 2006

~~CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS~~

UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
SAN ANTONIO DIVISION

ALTA GARRETT,
Petitioner,

VS.

VERNA RUFFIN, MOLLYE
WILLIAMS, AND JUDSON
INDEPENDENT SCHOOL
DISTRICT,
Respondents.

SA06CA0174 OG

CIVIL ACTION NO. _____

**PETITIONER'S ORIGINAL COMPLAINT
AND DEMAND FOR JURY TRIAL**

TO THE HONORABLE JUDGE OF SAID COURT:

NOW COMES Alta Garrett, hereinafter called Petitioner, complaining of and about Ms. Verna Ruffin, Ms. Mollye Williams, and Judson Independent School District, hereinafter called Respondents, and for cause of action shows unto the Court the following:

A. PARTIES

1. Petitioner, Ms. Alta Garrett (Ms. Garrett), is an individual that is residing in Converse, Bexar County, Texas. Ms. Garrett is a duly qualified teacher certified under the laws of the State of Texas to teach Language, grade level 12, English Language.

2. Respondent, Ms. Verna Ruffin (Ms. Ruffin), is an individual, employed by respondent Judson Independent School District as principal of Woodlake Hills Middle School and supervisor of Ms. Garrett. Ms. Ruffin may be

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served with process at Woodlake Hills Middle School, 6625 Woodlake Parkway, San Antonio, Texas 78244.

3. Respondent, Ms. Mollye Williams (Ms. Williams), is an individual, employed by respondent Judson Independent School District as assistant principal of Woodlake Hills Middle School and supervisor of Ms. Garrett. Ms. Williams may be served with process at Woodlake Hills Middle School, 6625 Woodlake Parkway, San Antonio, Texas 78244.

4. Respondent, Judson Independent School District, is a municipal entity organized and existing under the laws of the state of Texas, whose principal office is located at Judson Independent School District, 8012 Shin Oak Drive, Live Oak, Bexar County, State of Texas, 78233 and is authorized to do business in Texas. Judson Independent School District may be served with process by serving the President of the Board of Trustees of the Judson Independent School District, Rick Maas at 8012 Shin Oak Drive, Live Oak, Bexar County, State of Texas, 78233.

5. Ms. Garrett has been employed by Judson Independent School District for over thirteen (13) years and has been duly awarded tenure.

6. Ms. Garrett was employed for the 2005 school year under a contract, a copy of which is attached hereto and incorporated by reference herein as Exhibit "A".

7. Ms. Garrett has at all times pertinent hereto duly discharged her duties as a teacher and complied with the requirements of her employment.

Attached hereto and incorporated by reference herein as Exhibit "B" are copies of Ms. Garrett's past evaluations.

B. JURISDICTION

8. The court has jurisdiction over the lawsuit because the action arises under 28 U.S.C. § 1331; 28 U.S.C. § 1343; Title 42 U.S.C. § 2000e et. Seq.; 42 U.S.C. § 1981 as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of race, color and national origin; The Age Discrimination in Employment Act of 1967, 29 U.S.C. § 621 et. Seq., as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of age; and under Title 42 U.S.C. § 2000e et. Seq. as amended by the Civil Rights Act of 1991 to correct unlawful employment practices on the basis of sex. Respondent violated Petitioner's Rights under the First, Fifth and Fourteenth Amendment of the UNITED STATES CONSTITUTION, Chapter 21 of the Texas Labor Code, § 21.001 et. seq. Texas Labor Code, as amended, specifically § 21.055 to correct unlawful employment practices on the basis of retaliation, and under the Texas Whistle Blower Act for terminating Ms. Garrett by demoting her in retaliation for Ms. Garrett exercising her constitutionally protected right to complain about co-workers violating policies and about students violating Respondent's disciplinary rules and policies.

C. EXHAUSTION OF ADMINISTRATIVE PROCEDURES

9. Ms. Garrett timely filed with the Equal Employment Opportunity Commission (EEOC) a charge of discrimination against Respondent. Petitioner

files this complaint within 90 days of receiving a notice of the right to sue from the EEOC. A copy of the notice of the right to sue is attached as Exhibit "C".

D. COUNT 1 - DISCRIMINATION UNDER TITLE VII

10. Ms. Garrett is an employee within the meaning of Title VII and belongs to a class protected under the statute, namely a minority, female employee, and at all material times an employee 40 years of age or older.

11. Respondent is an employer within the meaning of Title VII.

12. Whenever in this complaint it is alleged that the Respondent, JUDSON INDEPENDENT SCHOOL DISTRICT, did any act or thing, it is meant that the Respondent's officers, agents, servants, employees or representatives did such act and/or that at that time such act was done, it was done with the full authorization or ratification of the Respondent or was done in the normal and routine course and scope of employment of Respondent's officers, agents, servants, employees, or representatives.

13. On or about February 25, 2004 and February 2005, Respondents intentionally discriminated against Ms. Garrett because of her race, color, sex and age in violation of Title VII by intentionally engaging in unlawful employment practices by instituting a campaign of disciplinary actions against Ms. Garrett because Ms. Garrett exercised her First Amendment constitutionally protected right to complain about students violating Respondent's disciplinary rules and policies. Disciplinary problems among students have been a major problem in the district and are a matter of public concern. Ms. Garrett's interest in expressing these comments outweighed the

Respondent's interest in efficient management of its services because it was virtually impossible for teachers including Ms. Garrett to efficiently carry out their duties to educate students when such students were unruly and undisciplined. As a proximate result of Ms. Garrett's exercise of her aforementioned constitutionally protected right, Judson Independent District, through its employees Ms. Ruffin and Ms. Williams instituted a campaign of unfounded charges of incompetence against Ms. Garrett with an intention of eventually discharging her without good and just cause in violation of Ms. Garrett's contractual and tenure rights. Respondent's actions had a disparate and adverse impact on her race and color because other similarly situated employees who were Caucasian and/or males were not subjected to same disciplinary action. Such employment practices were not based on any reasonable factor other than Ms. Garrett's race, color, sex and age.

E. COUNT 2. - RETALIATION UNDER CHAPTER 21 OF THE TEXAS LABOR CODE, § 21.001 ET. SEQ. TEXAS LABOR CODE, AS AMENDED, SPECIFICALLY § 21.055 AND UNDER THE TEXAS WHISTLE BLOWER ACT

14. On or about February 25, 2004 and February 2005, Respondents committed unlawful employment practices against Ms. Garrett because Ms. Garrett engaged in activity protected under the Texas Labor Code; the Texas Whistle Blower Act; and under the First Amendment of the United States Constitution. Specifically, Ms. Garrett reported to the appropriate authorities that Respondent had violated the guidelines on the Federal funding of the Content Mastery Center (CMC), when Respondent moved students into CMC that were not eligible because of no IEP or ARD. Ms. Garrett's supervisor knew

of the report and knew of Ms. Garrett's continued objections to the aforesaid violations. Corruption and wastage of government and taxpayers' funds have been a major problem in the district and are a matter of public concern. Ms. Garrett's interest in expressing aforesaid comments outweighed the Respondent's interest in efficient management of its services because wastage of government and taxpayers' funds will deprive students or programs that really need such funds from getting or benefiting from the funds. Due to Ms. Garrett's objections, Respondent was forced to correct the violation and immediately instituted a campaign of retaliation by demoting Ms. Garrett and denying her opportunities for promotion. Respondent also instituted a campaign of unfounded charges of incompetence against Ms. Garrett with an intention of eventually discharging her without good and just cause in violation of Ms. Garrett's contractual and tenure rights.

15. The effect of the practices complained of above has been to deprive Ms. Garrett of equal employment opportunities under the Fifth and Fourteenth Amendment, and adversely affect her status as an employee, because of her engagement in a protected activity.

16. Ms. Garrett will show that the retaliatory actions taken against her were motivated by Ms. Garrett opposing Respondents' violation of policy, opposing a discriminatory practice, making or filing a charge, filing a complaint and testifying, assisting, or participating in an investigation or proceeding regarding an unlawful discriminatory practice.

17. Respondent, Judson Independent School District violated Ms. Garrett's rights under the teacher discharge or tenure statute and the Due Process clause of the Constitution of the United States by failing to give Ms. Garrett adequate notice of her right to a hearing and by failing to give Ms. Garrett sufficient notice of the charges to enable Ms. Garrett prepare a defense.

18. Ms. Garrett duly requested an extension of time to prepare for her hearing as required by the teacher discharge or tenure statute.

19. Respondent, Judson Independent School District violated Ms. Garrett's rights under the teacher discharge and tenure statute and the Due Process clause of the Constitution of the United States by refusing an extension of time for Ms. Garrett to prepare for her hearing and also while conducting Ms. Garrett's discharge hearing by refusing to allow Ms. Garrett present favorable evidence and by refusing to allow Ms. Garrett to cross-examine adverse witnesses. A copy of Ms. Garrett request for an extension of time is attached as Exhibit "D", and incorporated by reference.

F. COUNT 3. – DEFAMATION

20. Ms. Garrett re-alleges paragraphs one through eighteen in this complaint and incorporates them here as if set forth in full.

21. On or about February 25, 2004 and February 2005, Respondents Ms. Williams and Ms. Ruffin, composed, published, and circulated a written report or circular, which contained the following false and defamatory matter about Ms. Garrett:

"Alignment – below expectation; Value and importance – below expectation; Equitable teacher student interaction – below expectation.....- unsatisfactory etc, etc," In making such statements, Respondents, acting through Ms. Williams and Ms. Ruffin, its agents, intended to injure Ms. Garrett personally, professionally and in business.

22. By the words, *"Below expectation and Unsatisfactory"*, Respondents meant, and was understood by persons reading the words to mean, that Ms. Garrett personally, professionally and in business performed below expectations of a reasonable teacher and was unsatisfactory as a teacher and employee.

23. By the words, *"Below expectation and Unsatisfactory"*, defendant meant, and was understood by persons reading the words to mean, that Ms. Garrett was incompetent, irresponsible, untrustworthy, unreliable, lacked leadership skills and direction and was uncontrollable. Respondents defamed Ms. Garrett by publishing the unfounded shortcomings on Ms. Garrett, which have never been documented per State Statute and District Policy and knowing that the statements were false or with conscious disregard of the truth or falsity of the statement. Respondents acted with knowledge and intent that its defamatory statements made of and concerning Ms. Garrett will be communicated to other parties, specifically potential employers and other members of the general public who had access to such information. Ms. Garrett suffered mental anguish, opprobrium and pecuniary injury as a direct and

proximate result of Respondents' actions. A copy of Respondents' evaluations evidencing said defamatory words of and concerning Ms. Garrett and her grievance complaints are attached as Exhibit "E", and incorporated by reference.

24. The words in Respondents' circular or report were read by potential employers in the educational field and by various other persons who made inquiries concerning Ms. Garrett's work in Judson Independent School District.

25. Ms. Garrett applied to various other teaching positions but she was turned down as a proximate result of Respondents' aforesaid actions. A copy of letters turning down Ms. Garrett by various potential employers is attached as Exhibit "F", and incorporated by reference.

26. The above claim or account against Ms. Garrett contained in Respondents' notice was and is disputed, which fact Respondent knew from grievances written to Respondent by Ms. Garrett disputing said claim or account and from Respondents' own actions following the grievances. Attached as Exhibit "G" are copies of Ms. Garrett's grievances and outcomes of the grievances.

27. On account of and by means of the publication, Ms. Garrett was greatly injured in reputation and creditability, has suffered much humiliation, embarrassment, great mental pain and anguish, has exposed Ms. Garrett to public contempt and ridicule, has caused an unfavorable opinion of Ms. Garrett to be formed in the minds of educational institutions and the public generally

in Bexar County, Texas. Such disapproval, loss of reputation, loss of creditability, patronage and profits that otherwise would have been made are a direct, proximate, and natural result of the wrongful acts of Respondents, resulting in damage to Ms. Garrett.

28. Ms. Garrett is not a public figure and is not involved in any public controversy in connection with her personal life, profession, trade, or business. Respondents' defamatory statements, which Respondents knew were false and knew that Ms. Garrett disputed, do not involve a matter of public concern.

29. The act of Respondents in placing and publishing the defamatory statements of and concerning Ms. Garrett was willful and intentional and committed for the purpose of harassing, vexing, and annoying Ms. Garrett.

30. Respondents intentionally published a defamatory statement which was known to be false for the purpose of injuring Ms. Garrett. Ms. Garrett suffered damages for which she herein sues.

G. COUNT 5. - INVASION OF PRIVACY

31. Ms. Garrett re-alleges paragraphs one through twenty-eight in this complaint and incorporates them here as if set forth in full.

32. RESPONDENTS, intentionally invaded Ms. Garrett's privacy by publicizing unfounded statements regarding Ms. Garrett's professional life which were not of legitimate public concern. The publicity was highly offensive to Ms. Garrett and would be highly offensive to a reasonable person. Ms. Garrett was injured as a result of the conduct of Respondents. Respondents

released unfounded charges of incompetence to potential employers and other members of the public who made inquiries concerning her work with Respondents and/or had access to such information. Ms. Garrett suffered damages for which she herein sues.

H. COUNT 6. – CIVIL CONSPIRACY

33. Ms. Garrett re-alleges paragraphs one through thirty in this complaint and incorporates them here as if set forth in full.

34. Ms. Williams and Ms. Ruffin committed civil conspiracy against Ms. Garrett in that they had knowledge of, agreed to, and intended a common objective or course of action to wrongfully terminate Ms. Garrett by composing unfounded charges of incompetence against Ms. Garrett with an intention of eventually discharging her without good and just cause in violation of Ms. Garrett's contractual and tenure rights in retaliation for Ms. Garrett exercising her constitutionally protected rights. The aforementioned conspiracy resulted in damages to Ms. Garrett for which Ms. Garrett herein sues. Attached as Exhibit "H" are copies of e-mails indicating knowledge of Respondents' intention and common objective to wrongfully terminate Ms. Garrett.

I. COUNT 7. – INTENTIONAL INFLICTION OF EMOTIONAL DISTRESS

35. Ms. Garrett re-alleges paragraphs one through thirty-two in this complaint and incorporates them here as if set forth in full.

36. RESPONDENTS made the working conditions so intolerable by intentionally or recklessly bringing unfounded charges of incompetence against Ms. Garrett that Ms. Garrett felt compelled to resign her position,

which was refused. A reasonable person in the same position would have also felt compelled to resign. Respondents' conduct was extreme and outrageous and proximately caused Ms. Garrett severe emotional distress. Ms. Garrett suffered damages for which she herein sues.

J. COUNT 8. - NEGLIGENCE

37. Ms. Garrett re-alleges paragraphs one through thirty-four in this complaint and incorporates them here as if set forth in full.

38. Respondents, intentionally or recklessly discriminated and retaliated against Ms. Garrett and did not take any corrective measure or try in anyway to protect Ms. Garrett. Respondents knew or should have known that their intentional or reckless conduct of discrimination and retaliation would create a risk of harm to Ms. Garrett. Respondents' failure to exercise reasonable care in ensuring that Ms. Garrett was not discriminated or retaliated upon in the course of her employment was the proximate cause of damages to Ms. Garrett for which Ms. Garrett herein sues.

39. Respondent's decision to discharge Ms. Garrett is not supported by substantial evidence and is arbitrary, capricious, and an abuse of discretion.

40. Ms. Garrett suffered damages for which she herein sues.

K. DAMAGES

41. As a direct and proximate result of Respondent's conduct, Petitioner suffered the following injuries and damages.

a) All costs necessary to re-certify Petitioner;

- b) Petitioner was denied a promotion to Assistant Principal, resulting in lost pay and benefits;
- c) Petitioner was demoted resulting in lost pay and benefits;
- d) Ms. Garrett was discharged from employment with Respondent. Although Ms. Garrett has diligently sought other employment, she has been unable to find a job at comparable pay. In addition, Petitioner has incurred expenses in seeking other employment and has had to pay for medical treatment that otherwise would have been covered by the health benefits plan offered by Respondent. Attached hereto and incorporated by reference herein as Exhibit "I" are copies of Ms. Garrett's current pay stubs;
- e) Ms. Garrett suffered damage to her pension or retirement benefits;
- f) Petitioner suffered mental anguish and emotional distress in the form of insomnia, high blood pressure and stress;
- g) Petitioner suffered physical illness in the form of high blood pressure and insomnia; and
- h) Inconvenience.

L. EXEMPLARY DAMAGES

42. Ms. Garrett would further show that the acts and omissions of Respondent complained of herein were committed with malice or reckless indifference to her protected rights. To deter Respondent from engaging in future unlawful business practices and/or omissions, Petitioner seeks recovery of exemplary damages from Respondent.

M. SPECIFIC RELIEF

43. Petitioner seeks the following specific relief, which arises out of the actions, and/or omissions of Respondent described hereinabove:

- a) Prohibit by injunction the Respondent from engaging in unlawful employment practices as defined in the Texas Labor Code and Texas Whistle Blower Act;
- b) Promote Petitioner to the position and pay grade to which Petitioner should have been promoted but for the unlawful employment actions of Respondent;
- c) Rehire Petitioner; and
- d) Reinstate Petitioner to the position and pay grade which Petitioner held but for the unlawful employment actions of Respondent.

N. ATTORNEY FEES

44. Petitioner is entitled to an award of attorney fees and costs under Title VII, 42 U.S.C. §2000e-5(k).

O. PRAYER

45. For these reasons, Petitioner asks for judgment against Respondent for the following:

- a) A writ of mandamus be issued requiring Respondent to submit the records of its proceedings and decision in connection with Ms. Garrett's constructive discharge to this court for review;
- b) Respondent's findings and decision be set aside as contrary to law and evidence;

- c) An order be issued requiring Respondent to reinstate Ms. Garrett with all tenure and seniority rights she would have accrued at the time of judgment but for the wrongful constructive discharge, and requiring Respondent to award Ms. Garrett back pay;
- d) \$500 per hour for reasonable attorney fees;
- e) Costs of suit; and
- f) All other relief the court deems appropriate.

Dated: February 22, 2006

Respectfully Submitted,

WAObIKEZE & ASSOCIATES, P.C.
9950 Westpark Drive, Suite 424
Houston, Texas 77063-5188
Email: attys@wapclawyers.com
TEL: (713) 771-1331
FAX: (713) 771-1471

By: 

Ike N.A. Waobikeze, Esq.
SBN: 24004975

ATTORNEY FOR PETITIONER

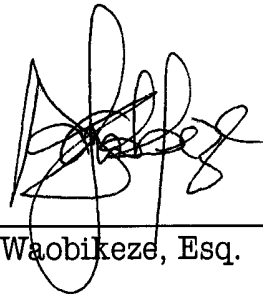
CERTIFICATE OF SERVICE

I certify that I served by personal delivery, on February 22, 2006, a copy of this Petitioner's Original Complaint on the following party:

- A. Ms. Verna Ruffin at Woodlake Hills Middle School, 6625 Woodlake Parkway, San Antonio, Texas 78244.
- B. Ms. Mollye Williams at Woodlake Hills Middle School, 6625 Woodlake Parkway, San Antonio, Texas 78244.
- C. The President, Board of Trustees for Judson Independent School District, Rick Maas, at 8012 Shin Oak Drive, Live Oak, Bexar County, Texas, 78233.

By: _____

Ike N.A. Waobikeze, Esq.



EEOC Form 161 (3/88)

U.S. EQUAL EMPLOYMENT OPPORTUNITY COMMISSION

DISMISSAL AND NOTICE OF RIGHTS

To: Alta Garrett
8155 Cantura Mills
Converse, TX 78109

From: San Antonio District Office
5410 Fredericksburg Rd
Suite 200
San Antonio, TX 78229



On behalf of person(s) aggrieved whose identity is
CONFIDENTIAL (29 CFR § 1601.7(a))

EEOC Charge No.

EEOC Representative

Telephone No.

31C-2005-00894

Jaime Valdez,
State & Local Coordinator

(210) 281-7661

THE EEOC IS CLOSING ITS FILE ON THIS CHARGE FOR THE FOLLOWING REASON:



The facts alleged in the charge fail to state a claim under any of the statutes enforced by the EEOC.



Your allegations did not involve a disability as defined by the Americans with Disabilities Act.



The Respondent employs less than the required number of employees or is not otherwise covered by the statutes.



Your charge was not timely filed with EEOC; in other words, you waited too long after the date(s) of the alleged discrimination to file your charge.



Having been given 30 days in which to respond, you failed to provide information, failed to appear or be available for interviews/conferences, or otherwise failed to cooperate to the extent that it was not possible to resolve your charge.



While reasonable efforts were made to locate you, we were not able to do so.



You were given 30 days to accept a reasonable settlement offer that affords full relief for the harm you alleged.



The EEOC issues the following determination: Based upon its investigation, the EEOC is unable to conclude that the information obtained establishes violations of the statutes. This does not certify that the respondent is in compliance with the statutes. No finding is made as to any other issues that might be construed as having been raised by this charge.



The EEOC has adopted the findings of the state or local fair employment practices agency that investigated this charge.



Other (briefly state)

- NOTICE OF SUIT RIGHTS -

(See the additional information attached to this form.)

Title VII, the Americans with Disabilities Act, and/or the Age Discrimination in Employment Act: This will be the only notice of dismissal and of your right to sue that we will send you. You may file a lawsuit against the respondent(s) under federal law based on this charge in federal or state court. Your lawsuit must be filed **WITHIN 90 DAYS** of your receipt of this Notice; or your right to sue based on this charge will be lost. (The time limit for filing suit based on a state claim may be different.)

Equal Pay Act (EPA): EPA suits must be filed in federal or state court within 2 years (3 years for willful violations) of the alleged EPA underpayment. This means that backpay due for any violations that occurred **more than 2 years (3 years) before you file suit may not be collectible.**

On behalf of the Commission

Enclosure(s)

[Signature]
Pedro Esquivel,
Director

December 29, 2005
(Date Mailed)

cc:

JUDSON INDEPENDENT SCHOOL DISTRICT
C/O Marquette Maresh
6300 La Calma, Ste. 200
Austin, TX 78752

EXHIBIT C

Enclosure with EEOC
Form 161 (3/96)

INFORMATION RELATED TO FILING SUIT UNDER THE LAWS ENFORCED BY THE EEOC

(This information relates to filing suit in Federal or State court under Federal law. If you also plan to sue claiming violations of State law, please be aware that time limits and other provisions of State law may be shorter or more limited than those described below.)

PRIVATE SUIT RIGHTS -- Title VII of the Civil Rights Act, the Americans with Disabilities Act (ADA), or the Age Discrimination in Employment Act (ADEA):

In order to pursue this matter further, you must file a lawsuit against the respondent(s) named in the charge within 90 days of the date you receive this Notice. Therefore, you should keep a record of this date. Once this 90-day period is over, your right to sue based on the charge referred to in this Notice will be lost. If you intend to consult an attorney, you should do so promptly. Give your attorney a copy of this Notice, and its envelope, and tell him or her the date you received it. Furthermore, in order to avoid any question that you did not act in a timely manner, it is prudent that your suit be filed within 90 days of the date this Notice was mailed to you (as indicated where the Notice is signed) or the date of the postmark, if later.

Your lawsuit may be filed in U.S. District Court or a State court of competent jurisdiction. (Usually, the appropriate State court is the general civil trial court.) Whether you file in Federal or State court is a matter for you to decide after talking to your attorney. Filing this Notice is not enough. You must file a "complaint" that contains a short statement of the facts of your case which shows that you are entitled to relief. Your suit may include any matter alleged in the charge or, to the extent permitted by court decisions, matters like or related to the matters alleged in the charge. Generally, suits are brought in the State where the alleged unlawful practice occurred, but in some cases can be brought where relevant employment records are kept, where the employment would have been, or where the respondent has its main office. If you have simple questions, you usually can get answers from the office of the clerk of the court where you are bringing suit, but do not expect that office to write your complaint or make legal strategy decisions for you.

PRIVATE SUIT RIGHTS -- Equal Pay Act (EPA):

EPA suits must be filed in court within 2 years (3 years for willful violations) of the alleged EPA underpayment: back pay due for violations that occurred more than 2 years (3 years) before you file suit may not be collectible. For example, if you were underpaid under the EPA for work performed from 7/1/00 to 12/1/00, you should file suit before 7/1/02 -- not 12/1/02 -- in order to recover unpaid wages due for July 2000. This time limit for filing an EPA suit is separate from the 90-day filing period under Title VII, the ADA or the ADEA referred to above. Therefore, if you also plan to sue under Title VII, the ADA or the ADEA, in addition to suing on the EPA claim, suit must be filed within 90 days of this Notice and within the 2- or 3-year EPA back pay recovery period.

ATTORNEY REPRESENTATION -- Title VII and the ADA:

If you cannot afford or have been unable to obtain a lawyer to represent you, the U.S. District Court having jurisdiction in your case may, in limited circumstances, assist you in obtaining a lawyer. Requests for such assistance must be made to the U.S. District Court in the form and manner it requires (you should be prepared to explain in detail your efforts to retain an attorney). Requests should be made well before the end of the 90-day period mentioned above, because such requests do not relieve you of the requirement to bring suit within 90 days.

ATTORNEY REFERRAL AND EEOC ASSISTANCE -- All Statutes:

You may contact the EEOC representative shown on your Notice if you need help in finding a lawyer or if you have any questions about your legal rights, including advice on which U.S. District Court can hear your case. If you need to inspect or obtain a copy of information in EEOC's file on the charge, please request it promptly in writing and provide your charge number (as shown on your Notice). While EEOC destroys charge files after a certain time, all charge files are kept for at least 6 months after our last action on the case. Therefore, if you file suit and want to review the charge file, please make your review request within 6 months of this Notice. (Before filing suit, any request should be made within the next 90 days.)

IF YOU FILE SUIT, PLEASE SEND A COPY OF YOUR COURT COMPLAINT TO THIS OFFICE.

To: Attention of Dr. Neely

May 9, 2005

Ms. Marquette Maresh
Walsh, Anderson, Brown,
Schulze & Aldridge, P.C.
P.O. Box 2156
Austin, Texas 78768

Re: Non renewal Hearing

Dear Ms. Maresh:

Mr. Mangum advised me that he would not be able to adequately prepare my case within a week. I asked for a postponement, thinking I would get more than a week. Mr. Mangum is unable to spend the time needed on this case because of his other commitments and the inadequate amount of time.

I have an appointment with another attorney tomorrow. Of course, that means that he, too, will not have enough time to prepare for Wednesday's hearing.

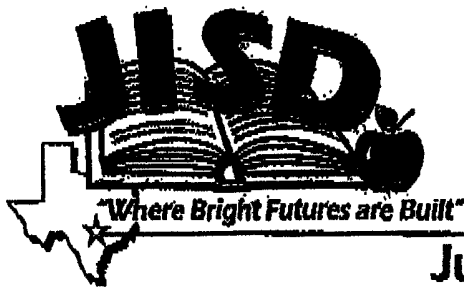
Sincerely,

Alta Garrett

I apologize for having to fax this statement, but it was inadvertently left out of the package I sent to Dr. Neely's attention.

Thanks,
Alta Garrett

EXHIBIT D



Woodlake Hills
Judson Independent School District
6625 Woodlake Parkway • San Antonio, TX 78244
phone (210) 661-9404 • fax (210) 666-0169

June 1st, 2004

Marilyn McKinney
JEA, Grievance Chair
Paschall Elementary
6351 Lakeview Drive
San Antonio, Texas 78624

Dear Ms. McKinney,

Please find enclosed the documentation that was requested by you on the behalf of Ms. Alta Garrett on May 27th, 2004.

As per your letter, I will honor your request to waive timelines for filing a grievance pertaining to this matter.

Sincerely,

Molly W. Williams
Molly W. Williams
Assistant Principal
PDAS Evaluator
WHMS

Cc: V. Ruffin, Principal

6/1/04 @ 3:40 p.m. = Contacted Mr. Garrett, she told me she didn't want a copy & I should give it to Mrs. McKinney. If she needed anything, she would get it from her. ~~Witness~~ Witness:

M. Williams
M. Williams 6/1/04

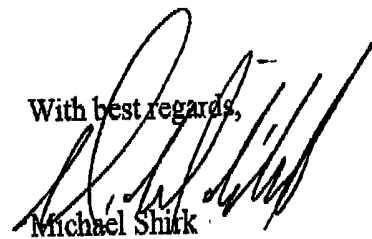
EXHIBIT E

Attachment 2

Alta Garrett
April 14, 2005
Page 2

Please do not hesitate to call me if you have any questions or comments. I will be in my office all day on Friday and Monday and available to speak with you regarding your choice regarding taking this case to a hearing or resolving it through negotiation.

With best regards,

A handwritten signature in black ink, appearing to read "Michael Shirk", written over the typed name.

Michael Shirk

o Paschall Elementary
6351 Lakeview Drive
San Antonio, Texas 78244
26 May, 2004

Ms. Mollye W. Williams, Assistant Principal
Woodlake Hills Middle School
6625 Woodlake Parkway
San Antonio, Texas 78244

Dear Ms. Williams:

Please, find attached a letter of representation for Ms. Alta Garrett, a teacher on your campus.

I am the above-referenced employee's grievance representative and on her behalf and pursuant to the Texas Public Information Act, Texas Government Code Chapter 552.00, I should like to request the following:

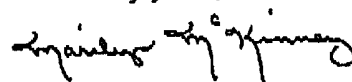
- All documents, memos, policies, regulations, administrative rules, directives, etc. on which you relied to complete Ms. Garrett's current evaluation for Domains V-VII;
- Specific dates and written documentation supporting all allegations relating to the current evaluation for Domains V-VII;
- Specific instances to which you allude for all allegations relating to the current evaluation for Domains V-VII;
- All third party information that you have used for rating Domains V-VII on the current evaluation.

Please, contact me when this information is ready. I may be reached during business hours at Paschall Elementary, 666-4113, or after 5:00 P. M. at 654-1994.

I should like also to request that we mutually agree to waive timelines for filing a grievance pertaining to this matter pending the receipt of the requested information.

Thank you for your consideration of my request and your timely response.

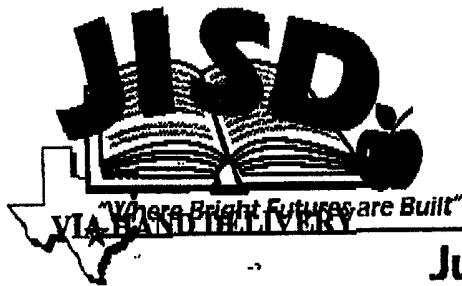
Sincerely yours,



Marilyn McKinney
JEA, Grievance Chair

Attachment: letter of representation

Received by Mollye W. Williams on 5/27/04



Judson Independent School District

March 10, 2005

Ms. Alta Garrett
8155 Cantura Mills
Converse, Texas, 78109

Dear Ms. Garrett:

This letter is written as a professional courtesy to notify you in advance of my intent to recommend to the Board of Trustees that your term employment contract with the District be proposed for non-renewal at the end of the 2004-2005 school year as set forth in Board policies DFBB (Legal) and DFBB (Local). I will make this recommendation to the Board at its meeting which is scheduled for March 24, 2005. Because of the District's Spring Break schedule, I will prepare the public agenda for that meeting on March 11, 2005. Enclosed you will find a copy of the Judson ISD Board policies identified above.

If you wish to discuss your options with me, please contact my office. This letter is provided as a professional courtesy and does not constitute a communication of Board action. If you have any questions or require any clarification, please contact me at your earliest convenience.

Sincerely,

Ann Dixon, Ph. D.
Interim Superintendent of Schools

Enclosures

RECEIVED:

Alta Garrett

3-11-05
March 11, 2005

Name: Ganett, Alta Appraiser: Mollye W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 Ending Time: 2:10

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

2003 - 2004

Observation Date: 2/25/2004 Observation Summary: Summative Date

Domain VIII: Improvement of Academic Performance Of All Students on The Campus (Based on Indicators in the AEIS)

Rating Domain VIII Proficient	Exceeds (x5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	Sub Total 1-9
1. Align instruction		✓			
2. Analyzes TEKS/TAKS data			✓		
3. Appropriate sequence		✓			
4. Appropriate materials		✓			
5. Monitors student performance		✓			
6. Monitors attendance		✓			
7. Students in at-risk situations		✓			
8. Appropriate plans for intervention		✓			
9. Modifies and adapts		✓			
Subtotal	0	24	1	0	25

Total: 37 to 45 Exceeds Expectations
 23 to 36 Proficient
 7 to 22 Below Expectations
 0 to 6 Unsatisfactory

10. District Performance Rating school year 2003-2004

Acceptable

Reported only

* For the 2003-2004 school year, the campus performance rating will be the district performance rating as reported on the new accountability system, when determined by the State. The rating will be used for reporting purposes only.

Comments:
 Self report does not indicate prior analyses of TAKS data on current students.

Strengths

Areas to Address

Teacher In Need Of Assistance

Signature of Appraiser:

Date:

My appraiser has given me a copy of this Observation Summary Report.

Signature of Teacher:

Date:

Observation Summary

Signature of Appraiser:

Date:

My appraiser and I have discussed this Summative Annual Appraisal Report.

Signature of Teacher:

Date:

Summative Annual Appraisal

Name: Garrett, Alta Appraiser: Mollye W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 Ending Time: 2:10
 Observation Date: 2/25/2004 Summative Date:
 Observation Summary: 2003 - 2004

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

Domain VII: Compliance with Policies, Operating Procedures, and Requirements

Rating Domain VII Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	Total
1. Policies, procedures, and legal require- ments		✓			
2. Verbal/written directives			✓		
3. Environment		✓			
Subtotal	0	6	1	0	7

Comments:

Intervention plan from the 2002-2003 school year was not completed. Intervention plan from 2003-2004 was not completed by 3/6/04. Ms. Garrett was directed to write a letter on 11/10/03 to a parent during a meeting with Ms. Zapata. No letter was done.

Strengths

Areas to Address

Total: 13 to 15 Exceeds Expectations
 9 to 12 Proficient
 3 to 6 Below Expectations
 0 to 2 Unsatisfactory

Name: Garrett, Alta Appraiser: Mollye W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 Ending Time: 2:10

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

2003 - 2004

Observation Date 2/25/2004

Observation Summary

Summative Data

Domain V: Professional Communication

Rating Domain V Below Expectations	Exceeds (X5)	Proficient (X3)	Below (X1)	Unsatis- factory (X0)
1. Written with students		✓		
2. Verbal/non verbal with students		✓		
3. Reluctant students			✓	
4. Written with parents, staff, community members, and other professionals		✓		
5. Verbal/non verbal with parents, staff, community members, and other professionals			✓	
6. Supportive, courteous			✓	
Subtotal	0	9	3	0
Total:	25 to 30	Exceeds Expectations		
	15 to 24	Proficient		
	5 to 14	Below Expectations		
	0 to 4	Unsatisfactory		
Comments:	Parent and student conferences with counselor and assistant principal are the result of student and parent frustration. Communication with students who are having difficulty has resulted in student disengagement as evidenced by the changes in student schedules to remove them from the classroom			
Strengths				
Areas to Address	Work on communicating with students who are reluctant and having difficulty. Work on interactions with staff and other professionals			

Total

Subtotal

Total: 25 to 30 Exceeds Expectations
15 to 24 Proficient
5 to 14 Below Expectations
0 to 4 Unsatisfactory

Comments:

Parent and student conferences with counselor and assistant principal are the result of student and parent frustration. Communication with students who are having difficulty has resulted in student disengagement as evidenced by the changes in student schedules to remove them from the classroom

Strengths

Areas to Address

Work on communicating with students who are reluctant and having difficulty.
Work on interactions with staff and other professionals

Domain VI: Professional Development

Rating Domain VI Below Expectations	Exceeds (X5)	Proficient (X3)	Below (X1)	Unsatis- factory (X0)
1. Campus/district goals		✓		
2. Student needs			✓	
3. Prior performance appraisal			✓	
4. Improvement of student performance		✓		
Subtotal	0	6	2	0
Total				8

Total: 16 to 20 Exceeds Expectations
9 to 15 Proficient
3 to 8 Below Expectations
0 to 2 Unsatisfactory

Comments:

Strengths

Areas to Address

Diverse multicultural needs of students.
Prior intervention plan from 2002/2003 summative was not completed.

Name: Garrett, Alta Appraiser: Molly W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 Ending Time: 2:10

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

2003 - 2004

Observation Date: 2/25/2004 Observation Summary: Summative Date

Domain III: Evaluation and Feedback on Student Progress

Rating Domain III Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)
1. Monitored and assessed		✓		
2. Assessment and instruction are aligned		✓		
3. Appropriate assessment		✓		
4. Learning reinforced		✓		
5. Constructive feedback		✓		
6. Relearning and re-evaluation		✓		
Subtotal	0	18	0	0
Total	25 to 30 15 to 24 5 to 14 0 to 4	Exceeds Expectations Proficient Below Expectations Unsatisfactory		

Total

18

Comments:

Most of the students were asked to answer at least one question or to give their opinion. Walkthroughs produced evidence of specific and timely feedback because students were grading each others vocabulary quiz.

Strengths

The use of words of praise were noted. Verbal questioning is appropriate for this age group.

Areas to Address

Constructive feedback is critical to student understanding of the material. Work on feedback that promotes student commitment.

Domain IV: Management of Student Discipline, Instructional Strategies, Time, and Materials

Rating Domain IV Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)
1. Discipline procedures		✓		
2. Self-discipline and self-directed learning		✓		
3. Equitable teacher - student interaction			✓	
4. Expectations for behavior		✓		
5. Redirects disruptive behavior		✓		
6. Reinforces desired behavior			✓	
7. Equitable and varied characteristics		✓		
8. Manages time and materials		✓		
Subtotal	0	18	2	0
Total	34 to 40 20 to 33 6 to 19 0 to 5	Exceeds Expectations Proficient Below Expectations Unsatisfactory		

Total

20

Comments:

Off-task behavior was noted on 22 different occasions. Students were given lunch detention without being told why they were receiving detention. During walkthroughs, classroom procedures and routines resulted in students self-management of behavior more than 80% of the time

Strengths

Class-time was used as academic time.

Areas to Address

Reinforcing positive behavior. Increase interest level in activity. Work on creating a supportive and positive environment.

Name: Garrett, Alta Appraiser: Mollye W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 Ending Time: 2:10

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

2003 - 2004

Observation Date 2/25/2004

Observation Summary

Summative Date

Domain I: Active, Successful Student Participation in the Learning Process

Domain II: Learner-Centered Instruction

Rating Domain I Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)
1. Engaged in learning		✓		
2. Successful in learning		✓		
3. Critical thinking/ problem solving		✓		
4. Self-directed		✓		
5. Connects learning		✓		
Subtotal	0	15	0	0
Total				
	20 to 25 12 to 19 4 to 11 0 to 3	Exceeds Expectations Proficient Below Expectations Unsatisfactory		

Total: 20 to 25 Exceeds Expectations
12 to 19 Proficient
4 to 11 Below Expectations
0 to 3 Unsatisfactory

Comments:
Teacher led classroom discussion on definition of vivid. Students worked on brainstorming board. Students provided examples of "vivid" terms.

Strengths
Students evaluated as a class the individual responses of students on definition of vivid. Lesson related to the students own lives.

Areas to Address

Work on motivational techniques and connecting to other disciplines and life applications.

Rating Domain II Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)
1. Goals and Objectives		✓		
2. Learner-Centered		✓		
3. Critical thinking and problem solving		✓		
4. Motivational strategies		✓		
5. Alignment			✓	
6. Pacing/sequencing		✓		
7. Value and importance			✓	
8. Appropriate questioning and inquiry		✓		
9. Use of technology		✓		
Subtotal	0	21	2	0
Total				
	37 to 45 Exceeds Expectations 23 to 36 Proficient 7 to 22 Below Expectations 0 to 6 Unsatisfactory			

Comments:

Students were working towards writing a description of themselves for an audience and a purpose.

Strengths

Varied activities: You read, students did silent reading, classroom discussion, writing on brainstorming board.

Areas to Address

Use of technology needs to be incorporated in the classroom. You must stress the value and importance of the activity.



Woodlake Hills Middle School
Judson Independent School District

TO: *Ms. Alta Ganett*

FROM: *V. Ruffi*

DATE: *4/28/05*

REFERENCE: PDAS Summative and Summative Conference

This memo verifies receipt of the Annual Summative Appraisal Report. Please make arrangements to meet with me to conduct the Summative Conference which will be held on

5/6/05

Alta Ganett
Signature

4-29-05
Date

met 5/6/05
conference held Ruffi

Should you choose to waive the Summative Conference, please do you by resubmitting this document to me by _____

____ I wish to waive the Summative Conference

Signature (waive Summative Conference)

Date

o Paschall Elementary
6351 Lakeview Drive
San Antonio, Texas 78244
26 May, 2004

Ms. Mollye W. Williams, Assistant Principal
Woodlake Hills Middle School
6625 Woodlake Parkway
San Antonio, Texas 78244

Dear Ms. Williams:

Please, find attached a letter of representation for Ms. Alta Garrett, a teacher on your campus.

I am the above-referenced employee's grievance representative and on her behalf and pursuant to the Texas Public Information Act, Texas Government Code Chapter 552.00, I should like to request the following:

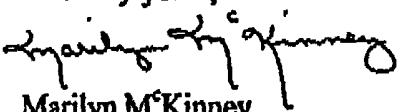
- All documents, memos, policies, regulations, administrative rules, directives, etc. on which you relied to complete Ms. Garrett's current evaluation for Domains V-VII;
- Specific dates and written documentation supporting all allegations relating to the current evaluation for Domains V-VII;
- Specific instances to which you allude for all allegations relating to the current evaluation for Domains V-VII;
- All third party information that you have used for rating Domains V-VII on the current evaluation.

Please, contact me when this information is ready. I may be reached during business hours at Paschall Elementary, 666-4113, or after 5:00 P. M. at 654-1994.

I should like also to request that we mutually agree to waive timelines for filing a grievance pertaining to this matter pending the receipt of the requested information.

Thank you for your consideration of my request and your timely response.

Sincerely yours,


Marilyn McKinney
IEA, Grievance Chair

Attachment: letter of representation

Received by Mollye W. Williams on 5/27/04

No. 5739 P. 3

Everlasting Home Health 3486857

1 Feb. 9. 2006 4:10:30AM

WALK-THROUGH DOCUMENTATION

TO:

Alta Harvest

FROM:

Molly M. Williams

CAREERS

I visited your class on

5/4/04, Tuesday

welcome.

Thank you for making me feel

While I was there, I observed:

- | | |
|---|--|
| <input checked="" type="checkbox"/> students on task | <input type="checkbox"/> teacher lecturing |
| <input checked="" type="checkbox"/> students off task | <input type="checkbox"/> teacher moving around class |
| <input type="checkbox"/> students taking notes | <input type="checkbox"/> teacher sitting at |
| <input type="checkbox"/> students working on a sponge activity | <input checked="" type="checkbox"/> teacher using student's name |
| <input type="checkbox"/> students working on the board | <input type="checkbox"/> teacher working with individual students |
| <input checked="" type="checkbox"/> students engaged in a paper/pencil activity | <input type="checkbox"/> a demonstration by teacher |
| <input checked="" type="checkbox"/> students following class routine | <input checked="" type="checkbox"/> consistent treatment of students |
| <input type="checkbox"/> students reading silently | <input type="checkbox"/> higher level questioning |
| <input type="checkbox"/> students working at centers | <input type="checkbox"/> instructions presented in several modalities |
| <input checked="" type="checkbox"/> students transitioning to different tasks | <input type="checkbox"/> learning styles being addressed |
| <input type="checkbox"/> groupwork | <input type="checkbox"/> a film/video/slides |
| <input type="checkbox"/> cooperative learning | <input type="checkbox"/> enrichment activity |
| <input type="checkbox"/> teacher doing administrative tasks | <input checked="" type="checkbox"/> classroom organization facilitating learning |
| <input type="checkbox"/> teacher grading papers | <input checked="" type="checkbox"/> positive learning environment |
| <input checked="" type="checkbox"/> teacher leading a class discussion | <input checked="" type="checkbox"/> pleasant room |
| <input type="checkbox"/> teacher modeling effective thinking through questions | <input type="checkbox"/> technology used to extend/enhance instruction |

Comments:

see 3 page attachmentMAY BE USED AS DOCUMENTATION FOR PDAS
EVALUATION

Teacher Signature: _____

Date: _____

(Signature indicates receipt, not necessarily agreement)

Given on 5/18/04

Observation Documentation:

Ms. *Handt*

Teacher

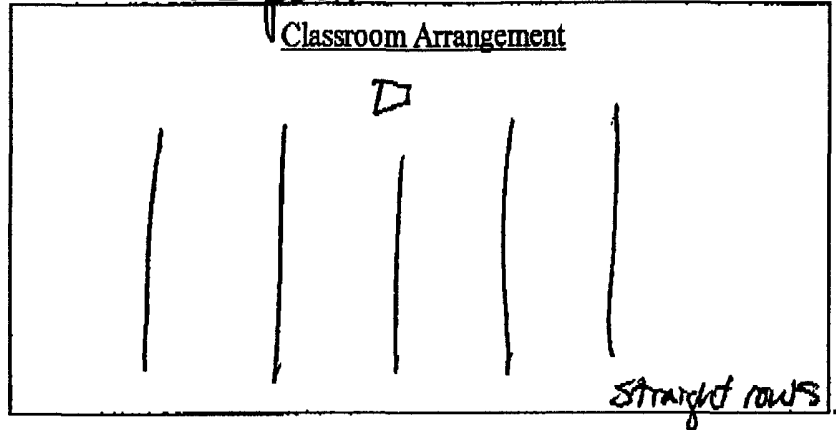
5/4/04

Date

Percent of student engagement:

2.5 min 100%
 5-10 min 100%
 15 min _____
 20 min _____
 25 min _____
 30 min _____
 35 min _____
 40 min _____
 45 min _____

2nd period

Classroom ArrangementExamples of the following:

Higher Order Thinking Questions at or above Application according to Bloom's

1. *Students were taking a vocab. test off of the overhead.*
2. _____
3. _____
4. _____
5. _____

Real world application stated by the teacher or student

1. _____
2. _____

Methods of redirecting:

1. _____
2. _____
3. _____
4. _____
5. _____

Teacher Name:

Ms. Arnold

Date:

5/5/04

Off Task Behavior and Redirection by the TeacherBehavior 1:

male - head down.

Teacher Response:

After 1 min. Ernest please sit up - TY.

Student Response:

Picked up head.

Behavior 2:

?

Teacher Response:

Calvin pay attention. Help us act. We're almost

Student Response:

there. ?

Behavior 3:

William pay attention.

Teacher Response:

Student Response:

?

Behavior 4:

female - head down.

Teacher Response:

Are you feeling alright? Are you sick? ^{sit up} honey.

Student Response:

Student sat up

Behavior 5:

Book open on desk.

Teacher Response:

Close book please. please follow along.

Student Response:

Closed book.

Behavior 6:

Teacher Response:

Student Response:

Behavior 7:

Teacher Response:

Student Response:

Behavior 8:

Teacher Response:

Student Response:

Teacher Name: Ms. GarrettDate: 5/5/04Questions Asked by the TeacherQuestion 1: Can you see? Jasmine?Student Response: Yes

Teacher Response: _____

Question 2: You guys in the back?Student Response: 3 heads (all) noddedTeacher Response: Let me know.Question 3: Am I going too fast?Student Response: No

Teacher Response: _____

Question 4: Everyone got it?Student Response: NoTeacher Response: O.K. I'll give a little more time.Question 5: You follow what I'm saying?Student Response: No respond.

Teacher Response: _____

Question 6: _____

Student Response: _____

Teacher Response: _____

Question 7: _____

Student Response: _____

Teacher Response: _____

Question 8: _____

Student Response: _____

Teacher Response: _____

WALK-THROUGH DOCUMENTATION

TO: Ms. Garrett

FROM: Mr. LanzaI visited your class on 4/14/04 Thank you for making me feel welcome.

While I was there, I observed:

- | | |
|--|--|
| <input checked="" type="checkbox"/> students on task | <input type="checkbox"/> teacher lecturing |
| <input type="checkbox"/> students off task | <input checked="" type="checkbox"/> teacher moving around class |
| <input type="checkbox"/> students taking notes | <input type="checkbox"/> teacher sitting at |
| <input type="checkbox"/> students working on a sponge activity | <input checked="" type="checkbox"/> teacher using student's name |
| <input type="checkbox"/> students working on the board | <input type="checkbox"/> teacher working with individual students |
| <input type="checkbox"/> students engaged in a paper/pencil activity | <input type="checkbox"/> a demonstration by teacher |
| <input type="checkbox"/> students following class routine | <input checked="" type="checkbox"/> consistent treatment of students |
| <input type="checkbox"/> students reading silently | <input type="checkbox"/> higher level questioning |
| <input type="checkbox"/> students working at centers | <input type="checkbox"/> instructions presented in several modalities |
| <input checked="" type="checkbox"/> students transitioning to different tasks | <input type="checkbox"/> learning styles being addressed |
| <input type="checkbox"/> groupwork | <input type="checkbox"/> a film/video/slides |
| <input type="checkbox"/> cooperative learning | <input type="checkbox"/> enrichment activity |
| <input type="checkbox"/> teacher doing administrative tasks | <input checked="" type="checkbox"/> classroom organization facilitating learning |
| <input type="checkbox"/> teacher grading papers | <input checked="" type="checkbox"/> positive learning environment |
| <input checked="" type="checkbox"/> teacher leading a class discussion | <input type="checkbox"/> pleasant room |
| <input type="checkbox"/> teacher modeling effective thinking through questions | <input type="checkbox"/> technology used to extend/enhance instruction |

Comments: Agenda: 4/14/04SSRGo over answers - TAKS practiceFinish TAKS practice"Breaking the Silence" study the introduction & model for making inferencesPractice making inferencesWhen I walked in, students were working on "Breaking the Silence.""Take your handout out - 'Searching for a Cure.'"You read the article to the class. You then asked students to read parts of the story."O.K., question 1. Gerald." - Students were asked to read the questions andand answer and then to prove their answer in the reading.All students were on-task and actively involved in the reading/discussion.Good class.MAY BE USED AS DOCUMENTATION FOR PDAS
EVALUATION

Teacher Signature: _____

Date: 4/14/04

(Signature indicates receipt, not necessarily agreement)

Name: Alta Garrett Appraiser: Verna D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English/8
Beginning Time: 11:41 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 12:46

☒ **2004 REVISION**
☒ Observation Summary
☐ Summative Annual Appraisal

Domain I: Active, Successful Student Participation in the Learning Process

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Engaged in learning	1. <u> </u>	1. <u> </u> ✓	1. <u> </u>	1. <u> </u>	
2. Successful in learning	2. <u> </u>	2. <u> </u> ✓	2. <u> </u>	2. <u> </u>	
3. Critical thinking/ problem solving	3. <u> </u>	3. <u> </u> ✓	3. <u> </u>	3. <u> </u>	
4. Self-directed	4. <u> </u>	4. <u> </u> ✓	4. <u> </u>	4. <u> </u>	
5. Connects learning	5. <u> </u>	5. <u> </u> ✓	5. <u> </u>	5. <u> </u>	
SUBTOTAL		15	1		TOTAL 15

Total: 20 to 25 Exceeds Expectations
12 to 19 Proficient
4 to 11 Below Expectations
0 to 3 Unsatisfactory

Comments: Students wrote sentences from warm-up—Language Practice and they wrote sentences from the text. They read.

Strengths	Areas to Address
When students responded the teacher acknowledged with comments such as "that's a good statement", "put it in complete thought", "that's a good sentence".	The specific expectations for today's lesson was not stated at the beginning of class. It was not addressed with students.

Domain II: Learner-Centered Instruction

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Goals and objectives	1. <u> </u>	1. <u> </u> ✓	1. <u> </u>	1. <u> </u>	
2. Learner-centered	2. <u> </u>	2. <u> </u> ✓	2. <u> </u>	2. <u> </u>	
3. Critical thinking and problem solving	3. <u> </u>	3. <u> </u> ✓	3. <u> </u>	3. <u> </u>	
4. Motivational strategies	4. <u> </u>	4. <u> </u> ✓	4. <u> </u>	4. <u> </u>	
5. Alignment	5. <u> </u>	5. <u> </u> ✓	5. <u> </u>	5. <u> </u>	
6. Pacing/sequencing	6. <u> </u>	6. <u> </u> ✓	6. <u> </u>	6. <u> </u>	
7. Value and importance	7. <u> </u>	7. <u> </u> ✓	7. <u> </u>	7. <u> </u>	
8. Appropriate question- ing and inquiry	8. <u> </u>	8. <u> </u>	8. <u> </u> ✓	8. <u> </u>	
9. Use of technology	9. <u> </u>	9. <u> </u> ✓	9. <u> </u>	9. <u> </u>	
SUBTOTAL		24	1		TOTAL 25

Total: 37 to 45 Exceeds Expectations
23 to 36 Proficient
7 to 22 Below Expectations
0 to 6 Unsatisfactory

Comments: The teacher had students read and write. The students read and wrote.

Strengths	Areas to Address
Students did read and write	Specifically stating the objective and the expected outcome would have given students an opportunity to derive meaning from the work. The learning objective was not stated when student began to read and write.

Name: Alta Garrett Appraiser: Verna D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English 8
 Beginning Time: 11:41 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 12:46
 2004 REVISION

☒ Observation Summary
☐ Summative Annual Appraisal

Domain III: Evaluation and Feedback on Student Progress

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Monitored and assessed	1	1	1	1	
2. Assessment and instruction are aligned	2	2	2	2	
3. Appropriate assessment	3	3	3	3	
4. Learning reinforced	4	4	4	4	
5. Constructive feedback	5	5	5	5	
6. Relearning and re-evaluation	6	6	6	6	
SUBTOTAL	6	4			TOTAL
					10

Comments: The lesson plans reflect TSW apply standard grammar and usage—the Language Practice was a part of the lesson but students did not receive feedback on this work. The primary form of assessment was verbal questioning.

Strengths	Areas to Address
You asked questions and students responded. You commented, "that's a good sentence".	The Language Practice was completed by students but there was no feedback provided. When students indicated a response was in the text, the teacher responded "that's not the correct answer". Students were not told why.

Domain IV: Management of Student Discipline, Instructional Strategies, Time, and Materials

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Discipline procedures	1	1	1	1	
2. Self-discipline and self-directed learning	2	2	2	2	
3. Equitable teacher-student interaction	3	3	3	3	
4. Expectations for behavior	4	4	4	4	
5. Redirects disruptive behavior	5	5	5	5	
6. Reinforces desired behavior	6	6	6	6	
7. Equitable and varied characteristics	7	7	7	7	
8. Manages time and materials	8	8	8	8	
SUBTOTAL	15	3			TOTAL
					18

Comments: The teacher did state expectation for behavior. "no other discussion going on, not about lunch or anything else". A group of 2 students were told not to read ahead. Several minutes later, another group was commended for reading ahead.

Strengths	Areas to Address
Students did not misbehave.	Frequently students were re-directed when there was no evidence of off-task behavior.

Name: Alta Garrett Appraiser: Yerna D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English 8
Beginning Time: 11:41 PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM Ending Time: 12:46
2004 REVISION

☒ Observation Summary
☐ Summative Annual Appraisal

Domain V: Professional Communication

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Written with students	1____	1____	1____	1____	
2. Verbal/non-verbal with students	2____	2____	2____	2____	
3. Reluctant students	3____	3____	3____	3____	
4. Written with parents, staff, community members, and other professionals.	4____	4____	4____	4____	
5. Verbal/non-verbal with parents, staff, community members, and other professionals.	5____	5____	5____	5____	
6. Supportive, courteous	6____	6____	6____	6____	
SubTOTAL					TOTAL
Total: 25 to 30 Exceeds Expectations 15 to 24 Proficient 5 to 14 Below Expectations 0 to 4 Unsatisfactory					

Comments:

Strengths

Areas to Address

Domain VI: Professional Development

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Campus/district goals	1____	1____	1____	1____	
2. Student needs	2____	2____	2____	2____	
3. Prior performance appraisal	3____	3____	3____	3____	
4. Improvement of student performance	4____	4____	4____	4____	
SubTOTAL					TOTAL
Total: 16 to 20 Exceeds Expectations 9 to 15 Proficient 3 to 8 Below Expectations 0 to 2 Unsatisfactory					

Comments:

Strengths

Areas to Address

Name: Alta Garrett

Appraiser: Verna D. Ruffin

Date: 2-15-05

Campus: WHMS

Assignment/Grade: English 8

Beginning Time: 11:41

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

Ending Time: 12:46

2004 REVISION

☒ Observation Summary

☐ Summative Annual Appraisal

Domain VII: Compliance With Policies, Operating Procedures, and Requirements

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Policies, procedures, and legal requirements	1. ____	1. ____	1. ____	1. ____	
2. Verbal/written directives	2. ____	2. ____	2. ____	2. ____	
3. Environment	3. ____	3. ____	3. ____	3. ____	
SUBTOTAL					TOTAL

Total: 13 to 15 Exceeds Expectations
9 to 12 Proficient
3 to 8 Below Expectations
0 to 2 Unsatisfactory

Comments:

Strengths

Areas to Address

Name: Alta Garrett

Appraiser: Verna D. Ruffin

Date: 2-15-05

Campus: WHMS

Assignment/Grade: English 8

Beginning Time: 11:41

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM Ending Time: 12:46

2004 REVISION

☒ Observation Summary

☐ Summative Annual Appraisal

Domain VIII: Improvement of Academic Performance Of All Students on the Campus

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Aligns instruction	1. <u> </u>	1. <u> </u>	1. <u> </u>	1. <u> </u>	
2. Analyzes TAKS data	2. <u> </u>	2. <u> </u>	2. <u> </u>	2. <u> </u>	
3. Appropriate sequence	3. <u> </u>	3. <u> </u>	3. <u> </u>	3. <u> </u>	
4. Appropriate materials	4. <u> </u>	4. <u> </u>	4. <u> </u>	4. <u> </u>	
5. Monitors student performance	5. <u> </u>	5. <u> </u>	5. <u> </u>	5. <u> </u>	
6. Monitors attendance	6. <u> </u>	6. <u> </u>	6. <u> </u>	6. <u> </u>	
7. Students in at-risk situations	7. <u> </u>	7. <u> </u>	7. <u> </u>	7. <u> </u>	
8. Appropriate plans for intervention	8. <u> </u>	8. <u> </u>	8. <u> </u>	8. <u> </u>	
9. Modifies and adapts	9. <u> </u>	9. <u> </u>	9. <u> </u>	9. <u> </u>	
SUBTOTAL 1-9					TOTAL 1-9

PLUS 10. Campus Performance Rating of:

A. Exemplary = 4
Recognized = 2
Academically Acceptable = 1
Academically Unacceptable = 0

B. Meets AYP = 1
Needs Improvement = 0

*If needs Improvement, list in the spaces below indicators from page 6.

Participation _____ Performance _____
Graduation Rate/Attend Participation & Performance
FINAL TOTAL DOMAIN VIII
(Sum of 1-10)

Teacher's 1st Year
Total: 37 to 45
23 to 36
7 to 22
0 to 6

Teacher's Subsequent
Years on Campus
40 to 50
24 to 39
8 to 23
0 to 7

**Campus performance rating or AYP not scored as per Commissioner's Rules, Ch. 150.1002(f)

Comments:

Strengths

Areas to Address

Signature of Appraiser: Verna D. Ruffin Date: 2/28/05

My appraiser has given me a copy of this Observation Summary Report.

Signature of Teacher: Alta Garrett Date: 2-18-05

Observation Summary

Signature of Appraiser: _____ Date: _____

My appraiser and I have discussed this Summative Annual Appraisal Report.

Signature of Teacher: _____ Date: _____

Summative Annual Appraisal

Revised June 2004

Name: Garrett, Alta Appraiser: Verna D. Ruffin Campus: WHMS Grade/Assign: English/8
 Beginning Time: Summative Annual Appraisal 2004 - 2005 Ending Time:
 Observation Date 2/15/05 Teacher ID: 516/05

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

Domain V: Professional Communication

Rating Domain V Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (X 1)	Unsatisfactory (X 0)	
1. Written with students		✓			
2. Verbal/non verbal with students				✓	
3. Reluctant students				✓	
4. Written with parents, staff, community members, and other professionals		✓			
5. Verbal/non verbal with parents, staff, community members, and other professionals				✓	
6. Supportive, courteous				✓	
Subtotal	0	6	0	0	6
Total:	25 to 30 Exceeds Expectations 15 to 24 Proficient 5 to 14 Below Expectations 0 to 4 Unsatisfactory				

Comments:

Written professional communication has not been shared.
 As per previous directives, the teacher must communicate with parents in reference to student progress.

Strengths	Areas to Address
	Communication with parents regarding student progress must occur so that parents are kept informed.

Domain VI: Professional Development

Rating Domain VI Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (X 1)	Unsatisfactory (X 0)	
1. Campus/district goals			✓		
2. Student needs			✓		
3. Prior performance appraisal			✓		
4. Improvement of student performance			✓		
Subtotal	0	0	4	0	4
Total:	16 to 20 Exceeds Expectations 9 to 15 Proficient 3 to 8 Below Expectations 0 to 2 Unsatisfactory				

Comments:

Work collaboratively and constructively with colleagues and other professionals toward the overall improvement of student performance.

Strengths	Areas to Address
	Work collaboratively and constructively with colleagues and other professionals toward the overall improvement of student performance.

Name: Garrett, Alta Appraiser: Verna D. Ruffin Campus: WHMS Grade/Assign: English/8
Beginning Time: _____ Ending Time: _____
Observation Date: 2/15/05 Summative Annual Appraisal: _____ Summative Date: 5/6/05
Teacher ID: _____

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM
2004 - 2005

Domain VII: Compliance with Policies, Operating Procedures, and Requirements

Rating Domain VII	Exceeds (X5)	Proficient (X3)	Below (X1)	Unsatisfactory (X0)	
1. Policies, procedures, and legal requirements				✓	
2. Verbal/written directives				✓	
3. Environment				✓	
Subtotal	0	0	0	0	0
					Total

Total: 13 to 15 Exceeds Expectations
9 to 12 Proficient
3 to 8 Below Expectations
0 to 2 Unsatisfactory

Comments: _____

Strengths	Areas to Address
	The teacher frequently does not comply with all verbal or written directives. The needs of the students are seriously compromised.

Alta Garrett

From: Verna Ruffin **Sent:** Wed 5/4/2005 9:41 AM
To: Allen Bussell (E-mail); Amalia Beltran (E-mail); Anita Groendyke (E-mail); Annette Swick (E-mail); Araceli L. Ramos; Armandina Valdez (E-mail); Baker Cliff (E-mail); Barbara A. Shackelford; Bartunek Cynthia (E-mail); Becky Atnip (E-mail); Beverly Drapler (E-mail); Bill Blair (E-mail); Bob Stokes (E-mail); Brenda J. Clark; Buchanan Karen (E-mail); Candace Peché (E-mail); Carla Underhill (E-mail); Carol Whorton (E-mail); Carroll Martha (E-mail); Chad Scott (E-mail); Cher Coats (E-mail); Chesney Hunter (E-mail); Christian Reinaas (E-mail); Cynthia Childree (E-mail); Darrell Bass (E-mail); Denise Tamez (E-mail); Ernest R. Tejeda; Felicia Bowie (E-mail); Garrett Alta (E-mail); Garza Dan (E-mail); Harlon Hatcher (E-mail); Henry Guerrero (E-mail); Jane Bonewitz (E-mail); Jeannie Zapata (E-mail); Jennifer Gray (E-mail); John MacLaren (E-mail); Johnson Claudia (E-mail); Jonathan Hendley (E-mail); Joyce Sweet (E-mail); Karen Forester; Karen Montgomery (E-mail); Kathleen Strapkovic; Kathryn Casillas (E-mail); Katie Alexander (E-mail); Kay Stanson (E-mail); Kelly White (E-mail); Kenneth W. Bewley; Kimberly Byers; Kimberly Melendez (E-mail); King Sarah (E-mail); Leslie A. Davidson; Linda Barrera (E-mail); Linda Brannon (E-mail); Lonny Hubbard (E-mail); Lorenza Terry (E-mail); M. Saunders Kristin (E-mail); Maria Jimenez (E-mail); Marie Baxter; Mary Mikels (E-mail); Melinda Salinas; Melissa Molina (E-mail); Melissa Scott (E-mail); Melonie Doyle (E-mail); Murrow Chandra (E-mail); Penny Compton (E-mail); Peter Papadopoulos; Prince Jan (E-mail); Rhodessa C. Morales; Richard Helsley (E-mail); Richard S. Stelter; Rise Hayes (E-mail); Rojas Eric (E-mail); Rosalinda Moylan; Ruth A. Nelson; San Juanita Zapata (E-mail); Sara Drake (E-mail); Sarah Faulkner; Sarah Karim (E-mail); Schievelbein Darrin (E-mail); Sharon Boseman (E-mail); Shuemate Jill (E-mail); Stephanie Morris (E-mail); Susan L. Tam (E-mail); Susan Nunez (E-mail); Tammie Tennison (E-mail); Teri MacLaren; Valerie Nimitz (E-mail); Verna Ruffin; Victoria Haggard (E-mail); Virginia Brown (E-mail); Vivian Harris (E-mail); Whitney Davis (E-mail); Williams Mollye (E-mail); Wilson Meadows; Wilson Storml (E-mail); Wofford Nancy (E-mail); Wrenée Danaher (E-mail); Yvonne Inzinna (E-mail); Zenaida M. Gutierrez

Cc:

Subject: Meeting with students

Attachments:

Memo: To All Teachers

From: Verna D. Ruffin

Teachers, we need to have a meeting with our students today (May 4, 2005) to address behavior and other concerns. I will be calling for you to walk them down before each lunch period. The students will remain in the cafeteria after the meeting and can have their lunch after we've completed the meeting.

<https://mail.judson.k12.tx.us/exchange/agarrett/Inbox/Meeting%20with%20students.EML?Cmc...> 5/4/05

Name: Garrett, Alta Appraiser: Verna D. Ruffin Campus: WHMS Grade/Assign: English B
Beginning Time: _____ Ending Time: _____
PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM
2004 - 2005

Observation Date 2/15/05 Summative Annual Appraisal Summative Date 5/14/05
Teacher ID: _____

Domain VIII: Improvement of Academic Performance Of All Students on The Campus (Based on Indicators in the AEIS)

Rating Domain VIII Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Align Instruction		✓		✓	
2. Analyzes TEKS/TAKS data					
3. Appropriate sequence		✓			
4. Appropriate materials			✓		
5. Monitors student performance				✓	
6. Monitors attendance			✓		
7. Students in at-risk situations				✓	
8. Appropriate plans for intervention				✓	
9. Modifies and adapts			✓		
Subtotal	0	6	3	0	9
					Sub Total 1-8

10. Campus Performance Rating school year 2003-2004

A. Academically _____ 1
B. Meets AYP _____ 1
Total A + B _____ 2

If needs improvement, indicate below. Additional information may be provided in Comments section.

Performance Participation Graduation Attendance Final Total Domain VIII
Reading ☐ ☐ ☐ ☐ 11
Math ☐ ☐ ☐ ☐

Teacher's 1st Year on Campus
Total: 37 to 45 Exceeds Expectations
23 to 36 Proficient
7 to 22 Below Expectations
0 to 6 Unsatisfactory
Teacher's Subsequent Years on Campus
40 to 50 Exceeds Expectations
24 to 39 Proficient
8 to 23 Below Expectations
0 to 7 Unsatisfactory

Comments:

Strengths	Areas to Address
	Feedback on performance must be provided by the teacher to help students understand their own strengths and weaknesses on skills supportive of TEKS/TAKS objectives

Teacher In Need Of Assistance

Signature of Appraiser: Verna D. Ruffin Date: 2/28/05
My appraiser has given me a copy of this Observation Summary Report.
Signature of Teacher: Alta Garrett Date: 2/28/05

Observation Summary

Signature of Appraiser: Verna D. Ruffin Date: 2/28/05
My appraiser and I have discussed the Summative Annual Appraisal Report.
Signature of Teacher: Alta Garrett Date: 2/28/05

Summative Annual Appraisal

Teachers are to remain with the students during the meeting. When lunch begins, you may proceed with your lunch period.

During passing periods and at the end of school day, it is absolutely important that all of us walk with and monitor students.

Beginning today, after school, teachers are to walk the students toward the exit/bus area. Even when tutoring resumes, all teachers must assist with walking students out of the building. Then you may return for tutoring or school related business. Have the students that you are tutoring wait for you in an area where they can be clearly seen.

Too many students are being given passes for restroom/water and to see the nurse. Students with valid medical reasons (you have those in writing) are the only ones that are allowed to leave for these sorts of breaks. As a rule, only those students with medical or medicinal needs and emergencies should be allowed to see the nurse. Use your professional judgment when allowing students to leave your room and always issue a pass.

There are times when we will disconnect the bells and release students by hallways. Please listen for announcements for this procedure. When this occurs, you are to walk your students to the busses and make certain that they get on the bus. No loitering, no walking back into the building, no waiting for friends, etc. I believe this will reduce the congestion we are experiencing near the bus circle daily.

If you have any questions about these directives, please talk with me. I simply wrote the memo in an effort to communicate without scheduling a Faculty Meeting.

Name: Garrett, Alta Appraiser: Molpe W. Williams Campus: WHMS Grade/Assign: English
 Beginning Time: 1:25 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 2:10
 2003 - 2004

Observation Date 2/25/2004

Observation Summary

Summative Date

Domain I: Active, Successful Student Participation in the Learning Process

Rating Domain I Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Engaged in learning		✓			
2. Successful in learning		✓			
3. Critical thinking/ problem solving		✓			
4. Self-directed		✓			
5. Connects learning		✓			
Subtotal	0	15	0	0	15

Total: 20 to 25 Exceeds Expectations
 12 to 19 Proficient
 4 to 11 Below Expectations
 0 to 3 Unsatisfactory

Comments:

Teacher led classroom discussion on definition of vwd. Students worked on brainstorming board. Students provided examples of "vwd" terms.

Strengths	Areas to Address
Students evaluated as a class the individual responses of students on definition of vwd. Lesson related to the students own lives.	Work on motivational techniques and connecting to other disciplines and life applications.

Domain II: Learner-Centered Instruction

Rating Domain II Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Goals and Objectives		✓			
2. Learner-Centered		✓			
3. Critical thinking and problem solving		✓			
4. Motivational strategies		✓			
5. Alignment			✓		
6. Pacing/sequencing		✓			
7. Value and importance			✓		
8. Appropriate question- ing and inquiry		✓			
9. Use of technology		✓			
Subtotal	0	21	2	0	23

Total: 37 to 45 Exceeds Expectations
 23 to 36 Proficient
 7 to 22 Below Expectations
 0 to 6 Unsatisfactory

Comments:

Students were working towards writing a description of themselves for an audience and a purpose.

Strengths	Areas to Address
Varied activities: You read, students did silent reading, classroom discussion, writing on brainstorming board.	Use of technology needs to be incorporated in the classroom. You must stress the value and importance of the activity.

Name: Garrett, Alta Appraiser: Molte W. Williams Campus: WVHMS Grade/Assign: English
 Beginning Time: 1:25 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 2:10
 Observation Date: 2/25/2004 Observation Summary: 2003 - 2004 Summative Date: _____

Domain III: Evaluation and Feedback on Student Progress

Rating Domain III Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Monitored and assessed		✓			
2. Assessment and instruction are aligned		✓			
3. Appropriate assessment		✓			
4. Learning reinforced		✓			
5. Constructive feedback		✓			
6. Relearning and re-evaluation		✓			
Subtotal	0	18	0	0	18
					Total
					18

Total:
 25 to 30 Exceeds Expectations
 15 to 24 Proficient
 5 to 14 Below Expectations
 0 to 4 Unsatisfactory

Comments:

Most of the students were asked to answer at least one question or to give their opinion. Walkthroughs produced evidence of specific and timely feedback because students were grading each others vocabulary quiz.

Strengths	Areas to Address
The use of words of praise were noted. Verbal questioning is appropriate for this age group.	Constructive feedback is critical to student understanding of the material. Work on feedback that promotes student commitment.

Domain IV: Management of Student Discipline, Instructional Strategies, Time, and Materials

Rating Domain IV Proficient	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Discipline procedures		✓			
2. Self-discipline and self-directed learning		✓			
3. Equitable teacher-student interaction			✓		
4. Expectations for behavior		✓			
5. Redirects disruptive behavior		✓			
6. Reinforces desired behavior			✓		
7. Equitable and varied characteristics		✓			
8. Manages time and materials		✓			
Subtotal	0	18	2	0	20
					Total
					20

Total:
 34 to 40 Exceeds Expectations
 20 to 33 Proficient
 6 to 19 Below Expectations
 0 to 5 Unsatisfactory

Comments:

Off-task behavior was noted on 22 different occasions. Students were given lunch detention without being told why they were receiving detention. During walkthroughs, classroom procedures and routines resulted in students self-management of behavior more than 80% of the time

Strengths	Areas to Address
Class-time was used as academic time.	Reinforcing positive behavior. Increase interest level in activity. Work on creating a supportive and positive environment.

Name: Garrett, Alta Appraiser: Molije W. Williams Campus: WHMS Grader/Assign: English
 Beginning Time: 1:25 Observation Summary: 2/25/2004 Summative Date: 2003 - 2004 Ending Time: 2:10

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

Domain V: Professional Communication

Rating Domain V Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Written with students		✓			
2. Verbal/non verbal with students		✓			
3. Reluctant students			✓		
4. Written with parents, staff, community members, and other professionals		✓			
5. Verbal/non verbal with parents, staff, community members, and other professionals			✓		
6. Supportive, courteous			✓		
Subtotal	0	9	3	0	12
Total					

Comments:
 Total: 25 to 30 Exceeds Expectations
 15 to 24 Proficient
 5 to 14 Below Expectations
 0 to 4 Unsatisfactory

Parent and student conferences with counselor and assistant principal are the result of student and parent frustration. Communication with students who are having difficulty has resulted in student disengagement as evidenced by the changes in student schedules to remove them from the classroom

Strengths	Areas to Address
	Work on communicating with students who are reluctant and having difficulty. Work on interactions with staff and other professionals

Domain VI: Professional Development

Rating Domain VI Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Campus/district goals		✓			
2. Student needs			✓		
3. Prior performance appraisal			✓		
4. Improvement of student performance		✓			
Subtotal	0	6	2	0	8
Total					

Comments:
 Total: 16 to 20 Exceeds Expectations
 9 to 15 Proficient
 3 to 8 Below Expectations
 0 to 2 Unsatisfactory

Diverse multicultural needs of students. Prior intervention plan from 2002/2003 summative was not completed.

Name: Garrett, Alta Appraiser: Molloye W. Williams Campus: WHMS Grade/Assign: English
Beginning Time: 1:25 PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM Ending Time: 2:10
Observation Date: 2/25/2004 Observation Summary: 2003 - 2004 Summative Date: _____

Domain VII: Compliance with Policies, Operating Procedures, and Requirements

Rating Domain VII Below Expectations	Exceeds (X5)	Proficient (X 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Policies, procedures, and legal require- ments		✓			
2. Verbal/written directives			✓		
3. Environment		✓			
Subtotal	0	6	1	0	Total 7

Total: 13 to 15 Exceeds Expectations
9 to 12 Proficient
3 to 8 Below Expectations
0 to 2 Unsatisfactory

Comments:
Intervention plan from the 2002-2003 school year was not completed. Intervention plan from 2003-2004 was not completed by 3/8/04. Ms. Garrett was directed to write a letter on 1/17/03 to a parent during a meeting with Ms. Zapata. No letter was done.

Strengths	Areas to Address

Name: Garrett, Alta Appraiser: Meloye W. Williams Campus: WHMS Grade/Assign: English
Beginning Time: 1:25 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 2:10
2003 - 2004

Observation Date: 2/25/2004 Observation Summary: _____ Summative Date: _____

Domain VIII: Improvement of Academic Performance Of All Students on The Campus (Based on Indicators in the AEIS)

Rating Domain VIII	Exceeds (X5)	Proficient (X 3)	Below (X 1)	Unsatisfactory (X 0)	
1. Align instruction		✓			
2. Analyzes TEKS/TAKS data			✓		
3. Appropriate sequence		✓			
4. Appropriate materials		✓			
5. Monitors student performance		✓			
6. Monitors attendance		✓			
7. Students in at-risk situations		✓			
8. Appropriate plans for intervention		✓			
9. Modifies and adapts		✓			
Subtotal	0	24	1	0	25

Total: 37 to 45 Exceeds Expectations
23 to 36 Proficient
7 to 22 Below Expectations
0 to 6 Unsatisfactory

10. District Performance Rating school year 2003-2004
Acceptable ☒ Reported only

* For the 2003-2004 school year, the campus performance rating will be the district performance rating as reported on the new accountability system, when determined by the State. The rating will be used for reporting purposes only.

Comments: _____
Self report does not indicate prior analyses of TAKS data on current students.

Strengths	Areas to Address

Teacher In Need Of Assistance

Signature of Appraiser: _____ Date: _____

My appraiser has given me a copy of this Observation Summary Report.

Signature of Teacher: _____ Date: _____

Observation Summary

Signature of Appraiser: _____ Date: _____

My appraiser and I have discussed this Summative Annual Appraisal Report.

Signature of Teacher: _____ Date: _____

Summative Annual Appraisal

Name: Alta Garrett Appraiser: Verne D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English/8
Beginning Time: 11:41 Ending Time: 12:46

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM
2004 REVISION

☒ Observation Summary
☐ Summative Annual Appraisal

Domain I: Active, Successful Student Participation in the Learning Process

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)
1. Engaged in learning	1. <u> </u>	1. <u>✓</u>	1. <u> </u>	1. <u> </u>
2. Successful in learning	2. <u> </u>	2. <u>✓</u>	2. <u> </u>	2. <u> </u>
3. Critical thinking/ problem solving	3. <u> </u>	3. <u>✓</u>	3. <u> </u>	3. <u> </u>
4. Self-directed	4. <u> </u>	4. <u>✓</u>	4. <u> </u>	4. <u> </u>
5. Connects learning	5. <u> </u>	5. <u>✓</u>	5. <u> </u>	5. <u> </u>
SUBTOTAL		15	1	
TOTAL				15

Total: 20 to 25 Exceeds Expectations
12 to 19 Proficient
4 to 11 Below Expectations
0 to 3 Unsatisfactory

Comments: Students wrote sentences from warm-up—Language Practice and they wrote sentences from the text. They read.

Strengths	Areas to Address
Students responded to the teacher's knowledge with comments such as "that's a good statement", "put it in complete thought", "that's a good sentence".	The specific expectations for today's lesson was not stated at the beginning of class. It was not addressed with students.

Domain II: Learner-Centered Instruction

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)
1. Goals and objectives	1. <u> </u>	1. <u>✓</u>	1. <u> </u>	1. <u> </u>
2. Learner-centered	2. <u> </u>	2. <u>✓</u>	2. <u> </u>	2. <u> </u>
3. Critical thinking and problem solving	3. <u> </u>	3. <u>✓</u>	3. <u> </u>	3. <u> </u>
4. Motivational strategies	4. <u> </u>	4. <u>✓</u>	4. <u> </u>	4. <u> </u>
5. Alignment	5. <u> </u>	5. <u>✓</u>	5. <u> </u>	5. <u> </u>
6. Pacing/sequencing	6. <u> </u>	6. <u>✓</u>	6. <u> </u>	6. <u> </u>
7. Value and importance	7. <u> </u>	7. <u>✓</u>	7. <u> </u>	7. <u> </u>
8. Appropriate questioning and inquiry	8. <u> </u>	8. <u> </u>	8. <u>✓</u>	8. <u> </u>
9. Use of technology	9. <u> </u>	9. <u>✓</u>	9. <u> </u>	9. <u> </u>
SUBTOTAL		24	1	
TOTAL				25

Total: 37 to 45 Exceeds Expectations
23 to 36 Proficient
7 to 22 Below Expectations
0 to 6 Unsatisfactory

Comments: The teacher had students read and write. The students read and wrote.

Strengths	Areas to Address
Students did read and write	Specifically stating the objective and the expected outcome would have given students an opportunity to derive meaning from the work. The learning objective was not stated when student began to read and write.

Name: Alta Garrett Appraiser: Verna D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English 8
 Beginning Time: 11:41 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 12:46

☒ Observation Summary
☐ Summative Annual Appraisal

Domain III: Evaluation and Feedback on Student Progress

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)
1. Monitored and assessed	1. <u> </u>	1. <u> </u>	1. <u>✓</u>	1. <u> </u>
2. Assessment and instruction are aligned	2. <u> </u>	2. <u> </u>	2. <u>✓</u>	2. <u> </u>
3. Appropriate assessment	3. <u> </u>	3. <u> </u>	3. <u>✓</u>	3. <u> </u>
4. Learning reinforced	4. <u> </u>	4. <u>✓</u>	4. <u> </u>	4. <u> </u>
5. Constructive feedback	5. <u> </u>	5. <u> </u>	5. <u>✓</u>	5. <u> </u>
6. Rereading and re-evaluation	6. <u> </u>	6. <u>✓</u>	6. <u> </u>	6. <u> </u>
SUBTOTAL	6	4	4	10
Total: 25 to 30 Exceeds Expectations 15 to 24 Proficient 5 to 14 Below Expectations 0 to 4 Unsatisfactory				

Comments: The lesson plans reflect TSW apply standard grammar and usage—the Language Practice was a part of the lesson but students did not receive feedback on this work. The primary form of assessment was verbal questioning.

Strengths	Areas to Address
You asked questions and students responded. You commented, "That's a good sentence".	The Language Practice was completed by students but there was no feedback provided. When students indicated a response was in the text, the teacher responded "That's not the correct answer". Students were not told why.

Domain IV: Management of Student Discipline, Instructional Strategies, Time, and Materials

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)
1. Discipline procedures	1. <u> </u>	1. <u>✓</u>	1. <u> </u>	1. <u> </u>
2. Self-discipline and self-directed learning	2. <u> </u>	2. <u>✓</u>	2. <u> </u>	2. <u> </u>
3. Equitable teacher-student interaction	3. <u> </u>	3. <u> </u>	3. <u>✓</u>	3. <u> </u>
4. Expectations for behavior	4. <u> </u>	4. <u>✓</u>	4. <u> </u>	4. <u> </u>
5. Redirects disruptive behavior	5. <u> </u>	5. <u> </u>	5. <u>✓</u>	5. <u> </u>
6. Reinforces desired behavior	6. <u> </u>	6. <u> </u>	6. <u>✓</u>	6. <u> </u>
7. Equitable and varied characteristics	7. <u> </u>	7. <u>✓</u>	7. <u> </u>	7. <u> </u>
8. Manages time and materials	8. <u> </u>	8. <u>✓</u>	8. <u> </u>	8. <u> </u>
SUBTOTAL	15	3	3	18
Total: 34 to 40 Exceeds Expectations 20 to 33 Proficient 8 to 19 Below Expectations 0 to 5 Unsatisfactory				

Comments: The teacher did state expectation for behavior. "no other discussion going on, not about lunch or anything else". A group of 2 students were told not to read ahead. Several minutes later, another group was commended for reading ahead.

Strengths	Areas to Address
Students did not misbehave.	Frequently students were re-directed when there was no evidence of off-task behavior.

Name: Alta Garrett Appraiser: Yerna D. Ruffin Date: 2-15-05 Campus: WHMS Assignment/Grade: English 8
Beginning Time: 11:41 **PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM** Ending Time: 12:46

☒ Observation Summary
☐ Summative Annual Appraisal

2004 REVISION

Domain V: Professional Communication

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Written with students	1.____	1.____	1.____	1.____	
2. Verbal/non-verbal with students	2.____	2.____	2.____	2.____	
3. Reluctant students	3.____	3.____	3.____	3.____	
4. Written with parents, staff, community members, and other professionals.	4.____	4.____	4.____	4.____	
5. Verbal/non-verbal with parents, staff, community members, and other professionals.	5.____	5.____	5.____	5.____	
6. Supportive, courteous	6.____	6.____	6.____	6.____	
SUBTOTAL					TOTAL
Total: 25 to 30 Exceeds Expectations 15 to 24 Proficient 5 to 14 Below Expectations 0 to 4 Unsatisfactory					

Comments:

Strengths

Areas to Address

Domain VI: Professional Development

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatis- factory (x 0)	
1. Campus/district goals	1.____	1.____	1.____	1.____	
2. Student needs	2.____	2.____	2.____	2.____	
3. Prior performance appraisal	3.____	3.____	3.____	3.____	
4. Improvement of student performance	4.____	4.____	4.____	4.____	
SUBTOTAL					TOTAL
Total: 15 to 20 Exceeds Expectations 9 to 15 Proficient 3 to 8 Below Expectations 0 to 2 Unsatisfactory					

Comments:

Strengths

Areas to Address

Name: Alta Garrett

Appraiser: Yerna D. Ruffin

Date: 2-15-05

Campus: WHMS

Assignment/Grade: English 8

Beginning Time: 11:41

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM Ending Time: 12:46

2004 REVISION

☒ Observation Summary

☐ Summative Annual Appraisal

Domain VII: Compliance With Policies, Operating Procedures, and Requirements

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Policies, procedures, legal requirements	1.____	1.____	1.____	1.____	
2. Verbal/written directives	2.____	2.____	2.____	2.____	
3. Environment	3.____	3.____	3.____	3.____	
SubTOTAL					TOTAL

Total: 13 to 15 Exceeds Expectations
9 to 12 Proficient
3 to 8 Below Expectations
0 to 2 Unsatisfactory

Comments: _____

Strengths	Areas to Address

Name: Alta Garrett

Appraiser: Verna D. Ruffin

Date: 2-15-05

Campus: WHMS

Assignment/Grade: English 8

Beginning Time: 1:41

PROFESSIONAL DEVELOPMENT AND APPRAISAL SYSTEM

Ending Time: 12:46

2004 REVISION

☒ Observation Summary

☐ Summative Annual Appraisal

Domain VIII: Improvement of Academic Performance Of All Students on the Campus

	Exceeds (x 5)	Proficient (x 3)	Below (x 1)	Unsatisfactory (x 0)	
1. Aligns instruction	1.____	1.____	1.____	1.____	
2. Analyzes TAKS data	2.____	2.____	2.____	2.____	
3. Appropriate sequence	3.____	3.____	3.____	3.____	
4. Appropriate materials	4.____	4.____	4.____	4.____	
5. Monitors student performance	5.____	5.____	5.____	5.____	
6. Monitors attendance	6.____	6.____	6.____	6.____	
7. Students in at-risk situations	7.____	7.____	7.____	7.____	
8. Appropriate plans for intervention	8.____	8.____	8.____	8.____	
9. Modifies and adapts	9.____	9.____	9.____	9.____	
SUBTOTAL 1-9					TOTAL 1-9

PLUS 10. Campus Performance Rating of:

A. Exemplary = 4
Recognized = 2
Academically Acceptable = 1
Academically Unacceptable = 0

B. Meets AYP = 1
Needs Improvement = 0

*If needs improvement, list in the spaces below indicators from page 6.

Participation _____ Performance _____
Graduation Rate/Attend _____
FINAL TOTAL DOMAIN VIII _____
(Sum of 1-10)

Teacher's 1st Year
on Campus
37 to 45
23 to 36
7 to 22
0 to 6

Teacher's Subsequent
Years on Campus
40 to 50
24 to 38
8 to 23
0 to 7

*Campus performance rating or AYP not scored as per Commissioner's Rules, Ch. 150.1002(f)

Comments:

Strengths

Areas to Address

Signature of Appraiser: Verna D. Ruffin Date: 2/28/05

My appraiser has given me a copy of this Observation Summary Report.

Signature of Teacher: _____ Date: _____

Observation Summary

Signature of Appraiser: _____ Date: _____

My appraiser and I have discussed this Summative Annual Appraisal Report.

Signature of Teacher: _____ Date: _____

Summative Annual Appraisal

Revised June 2004

8706 Teal Way
San Antonio, Texas 78239-2706
6 July, 2004

Dr. Anthony Constanzo, Superintendent
Judson Independent School District
8012 Shin Oak
Live Oak, Texas 78233

Dear Dr. Constanzo:

Please, find attached a Level II grievance filed on behalf of Ms. Alta Garrett, a teacher at Woodlake Hills Middle School (WHMS). This grievance is being appealed for the following reasons.

- There is no basis in law nor policy for the action of "partially granting" the elimination of an intervention plan. (See Attachment 10, Level I grievance – the Board adopted the State evaluation plan; see Attachment 5 of Level I grievance – criteria for writing intervention plans)
- The required documentation (See Attachment 3, Level I grievance – documentation must be in writing and provided in a timely manner) has not been provided the teacher to justify a growth plan and her evaluation has been marked as "Proficient" in all domains because of that lack of documentation.
- The teacher grieved the evaluation of Domains I – IV the first semester via another organization (ATPE) and that resulted in Domains III – IV being rated "proficient". The face saving machinations to which the administration alludes may have been observed, but it is doubtful that any additional walk-throughs, etc. would have been done without the impetus of a grievance being filed. The record the administration attempts to establish is not quite what the administration represents it to be. Ms. Williams did not become the appraiser until after first semester and all written documentation ceases after 9 January, 2004 (as pointed out in the Level I grievance).

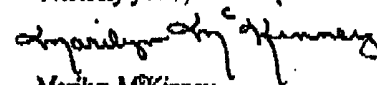
This paragraph in the Level I response appears to be little more than an attempt to blemish Ms. Garrett's reputation, to suggest shortcomings on her part which have never been documented per State statute and District policy by the administration.

- Teachers in the Judson Independent School District (JISD) receive term contracts. The contract term has ended. The administration does not get to drag the previous year into the ensuing year without observing the statutory requirements that are in place. The administration has failed to do this.
- The WHMS administration's behavior in this matter bespeaks its ethics.

Documentation to justify ratings of "below expectations" in any of the domains has not been provided. On behalf of Ms. Garrett, I respectfully request that the elimination of the Intervention Plan be granted.

Should you have any questions or need clarification, I may be reached at (210) 654-1994.

Sincerely yours,


Marilyn M. Kinney
JEA, Grievance Chair

Received by _____ on _____

EXHIBIT C

Judson (SD)
015916

PERSONNEL – MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTS

DGBA
(EXHIBIT)

Exhibit B

NOTICE OF APPEAL: LEVEL TWO

This form must be filled out completely by the employee or his/her representative appealing a Level One decision by the Principal or Supervisor, to the Superintendent or designee in accordance with the District's policies DGBA (Legal/Local) or any exception outlined therein.

1. Employee name Alta Garrett
2. Campus/Dept. Woodlake Hills MS Position: English teacher
3. Name of administrator whose complaint decision you are appealing from Level One:
Mollie Williams and Verna Ruffin
4. Date of Complaint conference you are appealing: Conference waived, decision due by
mutual consent 6-25-04, received 7-2-04
5. Attach copy of original complaint.
6. Attach copy of complaint decision by administrator or report of level one conference.
7. If you will be represented by another party in pursuing your complaint, please identify the person representing you.

Name of Representative: Marilyn McKinney

Organization's Name: Judson Education Association (WEA) / TSTA / NEA

Address: 8706 Teal Way, San Antonio, TX 78239-2706 06

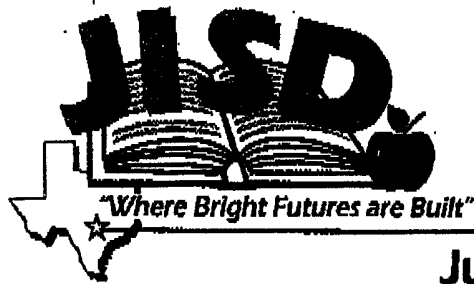
Telephone: (210) 654-1994

Alta Garrett
Employee Signature

6 July, 2004
Date Submitted

Date Complaint Received by Superintendent Designee

Receiving Person at Superintendent
Designee Office



Judson Independent School District

July 20, 2004

Ms. Marilyn McKinney
8706 Teal Way
San Antonio, TX 78239

Re: Alta Garrett

Dear Ms. McKinney,

After reviewing the documentation submitted by you on behalf of Ms. Garrett at the Level II hearing held on July 14, 2004, and after conferring with Ms. Ruffin on the issues, I am granting the relief sought by Ms. Garrett. The decision is based on the lack of appropriate documentation supplied by the administration.

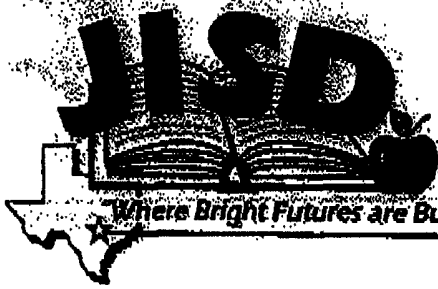
It is my hope that Ms. Garrett and Ms. Ruffin will meet prior to the beginning of the 2004-2005 school year and discuss mutual expectations for the upcoming year.

Sincerely,

A handwritten signature in black ink, appearing to read "C. Neumeyer", is written over a horizontal line.

Charlie Neumeyer
Associate Superintendent for Instruction
J.I.S.D.

xc. Ms. Verna Ruffin
Dr. Anthony Constanzo



Woodlake Hills Middle School
Judson Independent School District

Received 7-2-04
myam

TO: Marilyn McKinney, JEA, Grievance Chair

FROM: Mollye Williams, Assistant Principal
MW *def*

DATE: June 24, 2004

REFERENCE: Level I Grievance—Alta Garrett

On June 4, 2004 we met to discuss the Summative Evaluation for Alta Garrett. On June 10, 2004 a formal grievance was delivered to the school. Herein is my response to this Level I Grievance.

After reviewing all of the documents attached in your Level I Grievance, the following is my response:

- Domain VII, Criterion 2 will be rated as Proficient thereby rendering Domain VII as Proficient—this remedy has been granted.
- The request to eliminate the Intervention Plan is being partially granted.

I am requesting that Mrs. Garrett and I meet prior to the beginning of the 2004-05 school year so that we can mutually develop a growth plan that supports her in working with diverse groups of students.

Mrs. Garrett's Summative Conference timeline was extended in an effort to allow her to work on the Intervention Plan designed to assist her in meeting the needs of her students. Specifically the extension was allowed to address the criterion ratings in Domain III and IV that were below expectations. She was granted professional development leave time in order to observe other teachers on our staff and to incorporate teaching strategies that met the needs of all students. As a result of her compliance and after additional walkthrough documentation, the Observation Summary reflected a change in the PDAS ratings for Domains III and IV.

Your allegations of my violating ethical standards are absolutely false and I categorically deny any violations of such. There is not nor has there ever been any retaliation. I have made every attempt to work with Mrs. Garrett and to seek her suggestions as we prepare to meet the needs of all students at Woodlake Hills Middle School. I will continue to do so as we work towards the established goals for our campus.

8706 Teal Way
San Antonio, Texas 78249-2706
18 June 2004

Mr. Melba Williams, Assistant Principal
Woodlake Hills Middle School
6625 Woodlake Parkway
San Antonio, Texas 78244

Dear Ms. Williams:

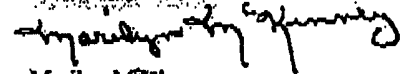
Please find attached a Level I grievance in regard to Ms. Alta Garrett's evaluation for the 2003-2004 contract year. We met on 4 June, 2004 in an informal attempt to resolve our concerns. In light of that meeting and your written response received 9 June, 2004, I am filing this grievance on behalf of Ms. Garrett.

You may contact me, should you have any questions, at (210) 654-1994.

Thank you for your attention to this matter.

Attachment: Level I grievance

Sincerely yours,



Marilyn McKinney
IEA, Grievance Chair

Received by Kathleen Strapkowski on 6/10/04

Judson ISD
6/15/04PERSONNEL - MANAGEMENT RELATIONS
EMPLOYEE COMPLAINTSDCBA
(EXHIBIT)

Exhibit A NOTICE OF COMPLAINT- LEVEL ONE

This form must be filled out completely by the employee or his/her representative filing a Level One complaint with the Principal or Supervisor, in accordance with DCBA (Local/State) or any exception outlined therein.

1. Employee name Alta Garrett
2. Campus/Dept Woodlake Hills MS Position English teacher
3. Home address 8155 Cantara Mills
City Converse Zip Code 78109
4. Home phone (210) 865-6609 Cell/Pager # _____
5. To whom did you last present your complaint? Mollie Williams
Date of Conference 6-1-04
6. Please state the date of the event or series of events causing your complaint.

See attached

7. Please state your complaint to include individual harm alleged, facts and witnesses, if any, to support your complaint. See attached

8. Please state the remedy or action you seek for this complaint.

See attached

9. If you will be represented by another party in pursuing your complaint, please identify the person representing you.

Name of Representative: Marilyn McKinneyOrganization's Name: Judson Education Association (JEA)/TSTAAddress: 8706 Teal Way, San Antonio, Texas 78239-2706 06Telephone: (210) 654-1994

Alta Garrett
Employee Signature

6/15/2004
Date Complaint Received by Campus/Dept.

6-10-04
Date Submitted

Kathleen Atkinson
Receiving Person at Campus/Dept.

DATE ISSUED: 5/18/92

LDU
No. 5745 P. 27/29

Everlasting Home Health 3486857

Page 1 of 1
Feb. 9. 2006 10:52AM

6. Background

On 6 May, 2004, Ms. Alta Garrett, an English teacher, at Woodlake Hills Middle School (WHMS) received a written summative evaluation for the current school year. On 18 May, 2004 a summative conference was held. On 27 May, 2004 Ms. Williams, Ms. Garrett's appraiser for the current school year, received a request for information (Attachment 1) regarding that evaluation and a request to mutually agree to waive timelines in reference to filing a grievance.

Ms. McKinney, Ms. Garrett's Judson Education Association (JEA) representative, collected the requested information and attached letter (Attachment 2) agreeing to waive timelines on 1 June, 2004. An informal meeting was arranged and occurred on 4 June, 2004. At this meeting Ms. McKinney asked Ms. Williams for clarification regarding the documentation that had been provided. A considerable amount of purported documentation was set aside due to its not having been shared with the teacher per 19 TAC § 150.1003 (f) (Attachment 3).

Further concerns regarding the ratings were discussed. Twice during the conversation Ms. Williams stated that she had not looked at the papers in the folders, she had simply copied them, and sent them to Ms. McKinney.

Ms. Williams and Ms. McKinney agreed that Ms. Williams would respond by noon 9 June, 2004. In Ms. Williams's response (Attachment 4) Domains V and VI ratings are changed and now both Domains have a rating of proficient.

Ms. Williams's treatment of Domain VII and her application of 19 TAC § 150.1004 (f) are the cause of this grievance.

7. Specific Violations

State Statutes/Guidelines

- 19 TAC § 150.1003 (f) – documentation is verified and shared in a timely manner (Attachment 3)
- 19 TAC § 150.1004 (a) (1) & (2) – criteria for receiving an intervention plan (Attachment 5)
- 19 TAC § 150.1004 (f) – appraiser discretion (Attachment 5)
- 246 TAC Rule § 247 – Code of Ethics and Standard Practices for Texas Educators (Attachment 6)
 - Principle 1, (A) Standard 1.1 – deceptive practices regarding policies proscribed
 - Principle 1, (F) Standard 1.6 – falsifying records, directing or coercing others to is prohibited
 - Principle 1, (G) Standard 1.7 – compliance with state regulations, written local policies, and applicable state/federal laws required
 - Principle 2, (C) Standard 2.3 – compliance with written local policies and state/federal laws regarding evaluation of personnel required

Catalog of PDAS Questions and Answers DATA SOURCES 9CUMULATIVE DATA AND DOCUMENTATION) from TEA's website (Attachment 7)

PDAS Appraisal Framework, Revised June, 2003, Evaluation Criteria (Attachment 8)

PDAS Scoring Criteria Guide, Revised June, 2003 (Attachment 9)

District Policies/Directives, etc.

- DNA (LOCAL) – PDAS (Attachment 10)
- Memorandum dated 2-6-08 from Sue Sansom, PDAS Update #3 (Attachment 11)
- DH (EXHIBIT) – Code of Ethics (Attachment 12)
 - Principle 1, (A) Standard 1.1 (see above)
 - Principle 1, (F) Standard 1.6 (see above)

District Policies/Directives, etc. continued

Principle 1, (G) Standard 1.7 (see above)

Principle 2, (C) Standard 2.3 (see above)

DNA (LEGAL) – DOCUMENTATION (Attachment 13)

2003-2004 PDAS Calendar (Attachment 14)

General Comments

Ms. Williams attempts to suggest that Ms. Garrett has erred regarding timelines. Please, note that the timeframe provided by Ms. Williams (Attachment 4) indicates that the WHMS administration was not adhering to the schedule set forth by the District Office in the 2003-2004 PDAS Calendar (Attachment 14).

Also, Ms. Williams suggests that Ms. Garrett had an ongoing problem of some sort during the year. The most recent date on any alleged documentation we were given is 9 January, 2004. If any problem existed, based on the paper Ms. Williams provides, it did not exist after the first week in January.

Discussion Regarding Documentation

- None of the purported documentation used to support the rating in Domain VII, Criterion 2 meets the State's guidelines for effective documentation (Attachment 7).
- These guidelines are/were in place in JISD by virtue of the Board's adoption of the PDAS system (Attachment 10) and have been in place for some time as seen in Ms. Sansom's memo (Attachment 11).
- The "documentation" really is not even documentation given what the State/District says documentation is. We see four Special Conference Forms (Attachment 15b, c, e, f), a note from Ms. Garrett (Attachment 15a), and a note that is basically a phone message (Attachment 15d).
- In conversation Ms. Williams states not once but twice that she did not look at any of the documentation she had. On what is this evaluation based—whose whim?
- The PDAS Appraisal Framework (Attachment 8) Evaluation Criteria states that in regard to noncompliance with directives:
 - 1) it is rare or inadvertent and
 - 2) it does not seriously compromise students' needs or the effective operations of the campus/district.

Nowhere is it shown in the documentation that we were given that Ms. Garrett did not comply nor that she compromised students' needs or effective campus/district operations. The administration has the burden to show this through written documentation prior to marking down an evaluation. The administration has not met its burden.

- Statutory requirements (Attachment 3) and District policy (Attachment 13) regarding the use of documentation were not met. Ms. Garrett was informed that this routine written communication was being used against her after the fact and only because her representative requested it.
- Ms. Garrett was rated proficient in Domains VII, Criteria 1 and 3. The PDAS Scoring Criteria Guide (Attachment 9) states that proficiency may be inferred if 80% of the criteria are proficient. The standard is higher according to the guide due to safety and consistency concerns. No documentation to show that Ms. Garrett was inconsistent or impaired anyone's safety is provided. Criterion 2 should be rated as proficient.

Discussion Regarding the Intervention Plan

- The evaluation if accepted as it is does not meet the statutory criteria for an intervention plan (Attachment 5). The teacher is not unsatisfactory in any domains nor is she below expectations in two or more domains.
- Ms. Williams misconstrues §150.1004 (f) (Attachment 5). We maintain that the section applies to during the school year not the summative evaluation. Further she has not provided any documentation that substantiates her position that she has documentation. To do so now is a little late.
- The current intervention plan is too broad. It deals with areas not documented as problems—i.e. Domains in which proficient ratings were given. It is more likely that had the appraiser had documentation, she would not have marked other areas proficient.

Discussion Regarding Ethics (Attachments 6 and 12)

The appraiser has violated ethical standards by:

- engaging in deceptive practices regarding official policies of the district;
- falsifying records;
- failing to comply with state regulations and written local board policies;
- not adhering to written local school board policies and state law regarding evaluation of personnel.

8. Remedies/Action Sought

- 1) Move the rating for Domain VII, Criterion 2 to proficient and adjust the Domain score to proficient rendering the intervention plan moot
- 2) Eliminate the intervention plan
- 3) No retaliation

List of Attachments

Attachment 1 -- Letter to Ms. Williams dated 5-56-04 requesting written documentation, etc.

Attachment 2 -- Letter to Ms. M^cKinney dated 6-1-04 providing requested documentation and agreeing to waive timelines

Attachment 3 -- 19 TAC §150.1003 (f)

Attachment 4 -- Letter to Ms. M^cKinney dated 6-9-04

Attachment 5 -- 19 TAC §150.1004 (a)(1) and (2)

Attachment 6 -- 247 TAC Rule §247.2

Attachment 7 -- PDAS Questions and Answers from the TEA website

Attachment 8 -- PDAS Appraisal Framework Evaluation Criteria

Attachment 9 -- PDAS Scoring Criteria Guide

Attachment 10 -- DNA (LOCAL)

Attachment 11 -- Memo dated 2-6-98 from Sue Sansom with PDAS Update #3

Attachment 12 -- DH (EXHIBIT)

Attachment 13 -- DNA (LEGAL)

Attachment 14 -- 2003-2004 PDAS Calendar

Attachment 15a-f -- Documents offered by Ms. Williams as documentation for Domain VII, Criterion 2 rating

REPRESENTATION AUTHORIZATION FORM

JEA/TSTA/NEA

I, Alta Garrett, hereby grant the Texas State Teachers Association/NEA, its local affiliate, and its representatives, the right to act as my representative and on my behalf in all matters relating to my employment including, but not limited to, obtaining access to copies of my personnel, personal, and appraisal files, and all other personnel records or information regarding me maintained by the Judson Independent School District.

Alta Garrett

(signature)

2-28-05

(date)

REPRESENTATION AUTHORIZATION FORM

IEA/TSTA/NEA

I, Alta Garrett, hereby grant the Texas State Teachers Association/NEA, its local affiliate, and its representatives, the right to act as my representative and on my behalf in all matters relating to my employment including, but not limited to, obtaining access to copies of my personnel, personal, and appraisal files, and all other personnel records or information regarding me maintained by the Judson Independent School District.

Alta Garrett

(signature)

2-28-05

(date)

Marilyn McKinney

To: Sue Sansom

Cc:

Bcc:

Subject: RE: PDAS Waiver; Eligibility Rules-MM

Attachments:

Sue,

Thank you for sending the information. Alta Garrett at WHMS put in for a waiver and never formally heard whether she had gotten one or not. I think that the fact that she requested one brought back some hard feelings and all of a sudden we have a paper trail starting in January (when she asked for the waiver) of problems. It looks like retaliation and Ms. Garrett is contemplating a grievance to that effect. The only response Ms. Garrett received was a memo saying that the principal would be observing for evaluation purposes during such and such a time frame. Another interesting occurrence is that since Ms. Garrett has been in conversation with Ms. Ruffin all of a sudden the Academic Dean, who is not qualified to do evaluations, has been observing her which might be construed as further retaliation or at least harassment. It's sad. Nonetheless, thank you for sending me the information.

Marilyn

From: Sue Sansom

Sent: Wed 3/2/2005 7:41 AM

To: Marilyn McKinney

Subject: RE: PDAS Waiver; Eligibility Rules-MM

Good morning!

I'll fax you the policy (DNA). There are really no stated grounds for denial, but we suggest that some justification is needed. Hope all is well. I know it's a stressful, busy time - for all of us! Have a good day,

Sue

-----Original Message-----

From: Marilyn McKinney

Sent: Wednesday, March 02, 2005 8:38 AM

To: Sue Sansom

Subject: PDAS Waiver; Eligibility Rules-MM

Sue:

What are the current rules regarding PDAS waivers and what are the grounds that a waiver may be denied? Where may I find this information?

I hope everything is going well.

Thank you for the consideration of my inquiry.

Marilyn McKinney

Incoming mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

Version: 6.0.859 / Virus Database: 585 - Release Date: 2/14/2005

EXHIBIT 

Outgoing mail is certified Virus Free.

Checked by AVG anti-virus system (<http://www.grisoft.com>).

<https://mail.judson.k12.tx.us/exchange/mmckinney/Drafts/RE:%20PDAS%20Waiver:%20E...> 3/2/2005

No. 5744 P. 13

Feb. 9. 2006 10:43AM Everlasting Home Health 3486857

1/2/2006

Alta L. Garrett

**815.56

Eight Hundred Fifteen and 56/100*****

Alta L. Garrett
8155 Cantura Mills
Converse, TX 78109

Pay Period: 12/11/2005 - 12/25/2005

Employee	SSN	Status (Fed/State)	Allowances/Extra
Alta L. Garrett, 8155 Cantura Mills, Converse, TX 78109	***-**-3990	Single/(none)	Fed-2/0/TX-0/0 Pay Date: 01/02/2006
Pay Period: 12/11/2005 - 12/25/2005			
Earnings and Hours	Qty	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 960.00
Taxes			Current YTD Amount
Federal Withholding			-71.00 -71.00
Social Security Employee			-59.52 -59.52
Medicare Employee			-13.92 -13.92
			-144.44 -144.44
Net Pay			815.56 815.56

Ruby J. Robinson, 45 NE Loop 410 Ste#223, San Antonio, TX 78216, DBA Everlasting Home Health Care

Employee	SSN	Status (Fed/State)	Allowances/Extra
Alta L. Garrett, 8155 Cantura Mills, Converse, TX 78109	***-**-3990	Single/(none)	Fed-2/0/TX-0/0 Pay Date: 01/02/2006
Pay Period: 12/11/2005 - 12/25/2005			
Earnings and Hours	Qty	Rate	Current YTD Amount
Hourly	80:00	12.00	960.00 960.00
Taxes			Current YTD Amount
Federal Withholding			-71.00 -71.00
Social Security Employee			-59.52 -59.52
Medicare Employee			-13.92 -13.92
			-144.44 -144.44
Net Pay			815.56 815.56

EXHIBIT I

Ruby J. Robinson, 45 NE Loop 410 Ste#223, San Antonio, TX 78216, DBA Everlasting Home Health Care

No. 5753 P. 2

Everlasting Home Health 3486857

Feb. 9. 2006 2:08PM